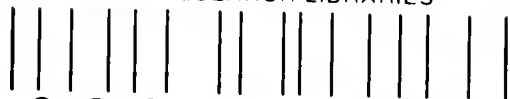
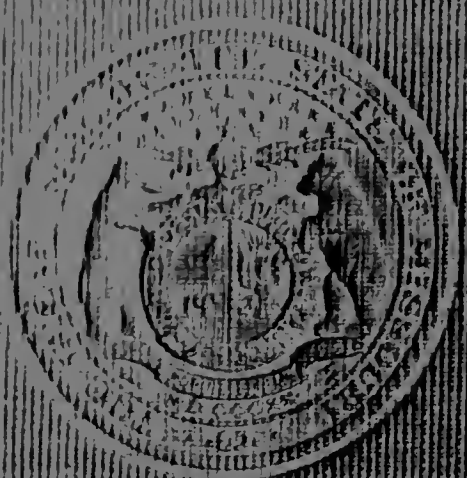


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GOVERNMENT IN MISSOURI

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GOVERNMENT IN MISSOURI

LOCAL, STATE, AND NATIONAL

BY

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GOVERNMENT IN MISSOURI.

E-P 1

PREFACE

IN writing this book I have had in mind the needs of the children in the elementary schools of Missouri. As most of these pupils will not attend a high school or college, they should receive their training in citizenship before they leave the elementary school. It has been the primary aim to develop in the pupil some appreciation of his membership in the state, and the rights and duties arising therefrom. Hence the text begins with the family and school, township and county, city and village, — agencies of government with which the pupil is or may be made familiar through the facts of his daily life.

From these organs of local government the pupil can proceed to those of the state and national governments. In order to retain his interest in these wider fields, there has been introduced much material dealing with the activities of government as well as its organization. Care has been taken to present the actual operation of the government machinery. Recent important developments in Missouri, such as the direct primary and the initiative and referendum, have been explained. Much attention has also been given to the workings of the national government with particular reference to its new activities in the postal system, regulation of commerce, etc. The teacher can increase the interest of the pupils by using ballots, assessment lists, city

ordinances, and other material to illustrate the actual process of government. The pupil can be led to present illustrations taken from his daily experiences or gained by special visits to particular officials or public institutions.

As the book is intended for the pupils in the elementary school, it has been my aim to omit all discussions of a technically legal or constitutional character. The interest of the pupils will be quickly destroyed if they are called upon to read or memorize the details of judicial procedure or the formal language of constitutional provisions. Selected sections from the state and national constitutions may be used to advantage. A copy of the *Official Manual of the State of Missouri*, which can be secured free of charge from the Secretary of State at Jefferson City, will furnish much material for illustrating local, state, and national government. The suggestive questions which have been added at the end of each chapter may be used in this connection.

ISIDOR LOEB.

COLUMBIA, MISSOURI.

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GOVERNMENT IN MISSOURI

PART I

SOCIETY AND GOVERNMENT

CHAPTER I

INDIVIDUALS AND SOCIETY

Nature of Society. — Individuals do not act or live separate from or independent of other persons. Everywhere we find them living together in groups. A group of this kind is called a *society*. The members of a society act together for the purpose of securing certain ends or interests which they have in common. These common interests include the production of food and clothing, protection of life and property, religious, educational, and similar matters.

These associations of individuals have existed from the earliest periods of human history. Originally, however, the social groups were small in size. The social instinct was not well developed, because men did not recognize that they had common interests. They were selfish and suspicious, and refused to associate or co-operate with any one except members of their family or tribe. Gradually, after long periods of time, and as

a result of many causes, the social units expanded, until to-day a society may include many millions of men and women who have common interests and are acting together for the general welfare.

In many cases a member of a society may not know that his acts affect other persons in the group and that his interests are in turn influenced by the acts of others. When one eats a slice of bread one does not usually think of the grocer, baker, miller, and farmer who have all contributed to its production. Each of these persons has worked to produce the one result, and the act of each has influenced the acts of all the others. We have similar relationship to all persons who are engaged in any way in producing things which we eat or wear, to those who are protecting us or our property, and to those who contribute to our education or amusement.

The Family Society. — Social groups differ in nature and extent. The smallest social unit is the *family*, consisting of father, mother, and children. Each member of the family depends in some degree upon every other member. The parents support the children, protect them from harm, attend to their education, and care for them in many other ways. These privileges which the children enjoy carry with them the duty of obedience. The parents, being older and wiser, know what is best for the children.

The failure of a child to obey the parent may be bad not only for the child but also for the other members of the family group. Children have rights against one another, and one child cannot expect his own rights

to be respected unless he respects the equal rights of others. If one child injures the toys or books of another, he encourages others to act in the same way towards him. If each member of the family acted without regard to the others, conflicts would arise and the unity of the family would be destroyed. The common interests of the family would suffer, and as a result the welfare of the individual member would be affected. The ideal family is that in which each member understands that he cannot enjoy his own rights unless he respects the rights of other members.

The School Society. — The *school* is a larger social unit than the family, and exists for a special purpose, — education. Here again, however, we see the dependence of the members upon one another. The teacher and the pupil have a common purpose, but if they do not act in harmony, the result will be of little value. The situation is the same as in a shoe factory. If the men who are to fasten the heels do their work poorly, the finished shoe will not be perfect, though all the other workers do their duty. The neglect of work by one pupil affects not only his own education but the general work of the school. He needs more of the time of the teacher and thus delays the work of the class.

The common interests of the school society appear also upon the playground and in the school clubs. If one member of a ball club or debating society fails to do his part, he weakens his team. A member of an athletic team who breaks training by smoking or otherwise, is guilty not only of deceiving his fellow members

but of weakening the entire organization. As in the family, each member of the school must recognize the rights of others and act so as to promote the common interests of the school.

The Political Society. — The farm, mine, railroad, and church are other examples of social groups. The largest division of society, however, is the *state*, or *political society*. The family, school, and other societies attend to most of the things which arise within their respective groups. Certain matters, however, extend beyond these smaller divisions and can best be attended to by a larger social group. An example of this kind is the post office. A school or factory could arrange for delivering letters to the members of its group, but a larger unit must attend to such matters between members of two or more groups which may be far apart. Again, a family group on a farm or in a small town can provide itself with good water from a well or cistern. In a city this cannot be done, as the water cannot be kept free from impurities. Hence a larger social unit must provide a central supply of pure water and distribute it to the different families. The matter of lighting is another example, as a large plant can furnish better and cheaper light than could be provided by a single family.

Another cause for the existence of political society is the fact that serious disputes arise between members of a smaller group. It is best if such differences can be settled within the family, factory, or other social group concerned. In some cases this cannot be done, and the dispute would lead to conflict and injustice if there

were no way to settle the difficulty. Members of different groups may also disagree with each other. If they cannot settle the question it must be left to the decision of a larger society, — the state.

Some members of a society who do not respect the rights of other members take their property and injure them in other ways. Such acts detract from the common social welfare, and if not prevented, would destroy the social group. Political society prevents such acts by furnishing protection to persons and property, and by punishing persons who do not respect the rights of others. As each member of society has an interest in the general welfare of all, a person injures himself when he violates the rights of other members, and thus weakens the common interest. Hence punishment by the state should be of such a nature as to show the guilty person that his acts injure him, and to teach him that his true interest is in the general welfare of society.

SUGGESTIVE QUESTIONS

What is a society? How do the members of a social group act?

Why were social groups small in early times? Why are they large to-day? Show how the farmer, miller, and baker are members of the same social group. Is a shoe factory a society? Name some societies which are not mentioned in this book.

What makes the family a society? What does a child receive from his family? What must the child do for the family? Why is obedience best for the child?

Who are the members of the school society? Why is it necessary that they shall act together? Show how the acts of a member of a school club may affect the other members.

Give some reasons why political society is necessary.

CHAPTER II

GOVERNMENT

Need of Government. — It has been shown that every individual is a member of some society, and that his acts influence and are influenced by the acts of other individuals. If all persons had the same ideas and motives, their acts would be for the same end,—the common welfare of all. Individuals, however, differ widely in these matters. In order to prevent disputes and to secure order, it becomes necessary to have some rules regarding the acts of the different members of society. In every society these rules are created by a body or organization which we call the *government*. It is not sufficient to have rules. They must be observed. Hence it becomes the business of the government to see that its rules are carried out and are not violated.

Family Government. — In the family the parents as the wisest members make up the government. They decide upon the privileges of the children and make the rules which are necessary to protect such rights and to secure order in the family. As children become older their wishes are considered, and by helping to make rules they become part of the family government. In the true family, it is not necessary for the

government (the parents) to enforce the rules, as the children see that obedience is really for their own benefit. If a child refuses to obey the government of the family, the family must impose punishment. If one may disobey, all may do the same, and disorder would arise within the family. Punishment by the family government is intended to make the child see that obedience to the family rules is for his own welfare.

School Government. — Government in the school exists also for the purpose of preventing disputes and protecting the rights of its members. The rules of the school are created for this purpose. Education is for the benefit of the pupils, and they have more interest than the teacher in the observance of the rules. On the playground and in school societies, the pupils are usually the government, and make and enforce their own rules. In some schools the pupils help in the government of the classroom, as they see that the rules are for their own benefit.

Political Government. — Government of some kind is needed on the farm, in the factory, church, and other social groups. The state as a political society has its government and its rules. These rules are called laws, and are intended to secure peace and order in the state. That part of the government which makes laws is called the *legislative* department.

As in the family and school, these rules are for the general benefit of individuals, and are observed by them on that account. As some persons do not know what is for their best interest, they may fail to observe the

laws of the state. Hence the government must provide means for the enforcement of the laws. The *executive* department of the government looks after such enforcement of the laws.

In many cases persons will disagree regarding the meaning of a law. Disputes will also arise as to whether a particular act of an individual has violated the law. The government must decide such disputes by furnishing a method of interpreting the laws; that is, declaring their meaning. This is attended to by the *judicial* department of the government, which interprets the law and decides disputes.

Classes of Government. — In a very small political society there is need of only one government, which can attend to everything. To-day states are usually very large, and it is necessary to have different classes of government. The United States governs about 3,750,000 square miles of territory and more than 100,000,000 people. It would be impossible and undesirable to have one government attend to all the laws for this vast country, as it could not know the needs and interests of the people in the different sections. Hence there are many governments, each attending to certain matters within a given territory. All these different governments may be grouped under the classes of *local*, *state*,¹ and *national governments*.

¹Up to this point the word *state* has been used in the broad sense, meaning a country or nation organized as a body politic. Here and in the remainder of the chapter it is used in the narrower sense, meaning one of the divisions of our country commonly known as states, but possessing only part of the powers of a state in the broader sense.

Local Government. — The local governments are the smallest divisions of government, and are closest to the people. They look after matters affecting peace and order, local taxation, roads and streets, relief of the poor, public schools, public health, elections, etc. Local governments are of different sizes and kinds. The territory of the state is divided into *counties*, *townships*, *cities*, *villages*, and *school districts*, for each of which a local government is provided.¹

State Government. — Most of the rules or laws which are enforced by the local governments are made by the state government, which assists the local governments in much of their work. The government of the state does many things also which cannot be attended to by local governments. It supports a university and normal schools, hospitals for the insane, schools for the blind and deaf, a penitentiary, and reform schools for boys and girls.

The state regulates and supervises banks, building and loan associations, and insurance companies, and promotes the interests of labor and agriculture in the state.²

National Government. — The national government attends to matters which affect more than one state. It has charge of relations with foreign countries, controls commerce among the states, supports an army and navy, and a postal system, controls the national territories,

¹ See Chapters V, VI, and VII for a full account of local governments.

² A full account of the work of the state government will be found in Chapters VIII–XV.

public lands, and Indian tribes. It also assists the states in promoting the interests of education, labor, agriculture, etc.¹

SUGGESTIVE QUESTIONS

Why is government necessary?

Who make up the government of the family? What may be done by this government? Show how children may have a share in the government of the family. What is the object of punishment in the family?

For what purpose does school government exist? What interest has a pupil in obeying the rules of the school? How may the pupils take part in school government?

What are laws? What department of government makes the laws?

What is done by the executive department? What is the judicial department?

Why must we have different classes of government?

Name some of the things attended to by the local governments. Why do they have control over such matters?

What are the important things done by the state governments? Why does the state support a university and normal schools?

Name some of the activities of the national government. Why does the national government attend to the postal system? Why does it attend to foreign relations?

¹ A full account of the activities of the national government will be found in Chapters XVI-XXIII.

CHAPTER III

CITIZENSHIP

Citizens and Aliens. — The persons who live within a country fall into two classes, — *citizens* and *aliens*. A citizen is one who is recognized as a member of the state or nation. As such, he has certain rights and duties which do not belong to persons who are not citizens. An alien is a citizen of one country who is living in another. In the latter country he has certain duties, but he is not given the full rights of a citizen.

Naturalization. — Citizens are of two classes, — *native-born* and *naturalized*. A person born in the United States is a native-born citizen of this country. Naturalization is a process provided by a law of Congress for changing an alien into a naturalized citizen. In order to be naturalized, an alien must have resided within the United States at least five years. His intention to become a citizen must have been declared at least two years and not more than seven years before he is naturalized. The naturalization is granted by a judge, who must require the alien to give up all allegiance to any foreign country and to take an oath to support the constitution and government of the United States.

Rights of the Citizen. — A *right* is the power or capacity to do a certain thing. Rights may be divided into two classes, — *civil* and *political* rights. Civil rights

are those which affect an individual in his person or property. Political rights include the privilege of sharing in the government. Civil rights are given to aliens as well as citizens. Political rights as a rule exist only for citizens of full age. These will be considered in the next chapter.

Personal Rights. — The most important civil rights are those which affect one's person. They include the right to life and liberty and the protection against injury to one's person or reputation. Freedom of religion and freedom of speech are important personal rights. The police furnish protection against physical force. The government also protects the health of its citizens, and punishes persons who spread false statements regarding any one.

When a person has committed a crime, the government may deprive him of his liberty and, in extreme cases, of his life. In order to prevent oppression and secure justice, the government is required to follow a regular procedure in the arrest, imprisonment, trial, and punishment of the accused person. These requirements will be discussed in Chapter XV.

Property Rights. — Property rights include the right to acquire, use, and transfer property, and to make contracts. The government protects a person against violation of his property rights by any individual. These rights are also protected against the government. The power of *eminent domain* gives the government the right to take the property of an individual when it is needed for public purposes, such as a courthouse, post

office, or a railroad ; but in all cases the owner must be given a just price for his property.¹

Duties of the Citizen. — We have seen that in the family, school, and the social groups the rights which a person enjoys carry with them corresponding duties which he owes to the other members of the group. The same is true of the state and nation. Some citizens do not recognize this fact. While they are quick to claim their rights they fail in meeting their duties. This tends to weaken the government and thus to weaken the rights which depend upon the government for enforcement.

Obedience. — The chief duty of a citizen is to *obey* the laws. The government cannot enforce the laws without the help of its citizens. A man may think a law is bad. In such case he should try to have the law changed. But until changed, it should be obeyed. If every person refused to obey a law of which he did not approve, the enforcement of all laws would be weakened. We must obey a bad law in order that good laws may be enforced.

Service. — A citizen owes the duty of *service* to the state. This includes the duty of paying taxes, voting if he has the right to vote ; also of jury service and office holding, in many cases, and, in case of necessity, military service. The government cannot do its work without the help of its citizens. A particular service may be inconvenient or disagreeable ; but the citizen

¹ For limitations upon the government's power of taxation, see Chapters XII, XIX.

cannot hope to have his own rights protected by the government unless he is willing to help it protect the rights of others.

Patriotism. — A citizen should be patriotic; that is, devoted to the interests of his state and nation. One who is patriotic must do more than merely obey the laws and render service to the government. He must concern himself with everything that affects its interests. He must study public questions in order that he may vote intelligently. He must attack every evil which threatens the state, whether this comes from foreign foes or internal corruption. He must promote every movement which will be of benefit to the state or any of its interests. The individual who acts for charity, education, or social improvement of any kind is no less a patriotic citizen than one who renders military service.

SUGGESTIVE QUESTIONS

Who are citizens? Who are aliens?

How may aliens become citizens? Is it a good plan for aliens to become citizens? Why?

Name some of the personal rights of an individual. Does an alien possess these personal rights?

How does the government protect one's right to life? How may one lose his right to liberty?

Give examples of property rights. How are these protected? May the government take the property of an individual? What must be done in such cases?

Name the most important duties of a citizen. Why does a citizen owe the duty of obedience?

Name some of the services which a citizen owes to the state. What does the duty of patriotism require of the citizen?

CHAPTER IV

SUFFRAGE AND ELECTIONS

Political Rights. — We have seen in the preceding chapter that political rights entitle one to share in the government. The principal political rights, which are duties as well, are the right of voting, or *suffrage*, and the right to *hold office*.

Public Officials. — Officials are persons who represent the people in carrying on the government. In some cases the people vote directly in making laws. In most cases, as this would be impossible, laws are made and enforced by officials chosen for this purpose.

Officials are chosen either by election, that is by the voters, or by appointment, in which case they are selected by superior officials. At first all officials except the chief executive and the members of the legislature were appointed, and this remains the rule in the national government. In the states and local governments, however, most of the important officials, executive and judicial as well as legislative, are elected.

Suffrage. — The character of the government will depend upon the voters. In order to have good government, it is necessary to provide certain tests or qualifications for the suffrage. In the United States the right to vote is fixed by each state. Most of the

states agree in requiring certain qualifications. The voter should be old enough to be able to vote intelligently. Hence all voters are required to be at least twenty-one years of age.

As no one but a citizen should have the power to influence the government, aliens are not usually given the right of suffrage. However, an alien who has declared his intention to become a citizen may vote in Missouri, and in some other states.¹

A voter should have a personal interest in the community and a knowledge of its needs. These can be gained by residence. In Missouri, in order to vote, a person must have lived in the state one year and in the county or city at least sixty days preceding the election.

In most states men are the only voters. A few states, however, have given women the right to vote, and there is a strong demand for woman suffrage in many other states. In some cases women may vote in school and other local elections without having this right in state and national affairs.

In our early history no one could vote unless he owned property or paid taxes. This rule still exists in some states, where it is believed to be a good test of the fitness of the voter. While an ignorant person cannot make a good voter, most states, including Missouri, permit such persons to vote. In only a few states must a voter be able to read or write his name.

¹ In November, 1912, the people of Missouri will vote upon an amendment to the constitution which proposes to take away this right from aliens.

In Missouri and most other states the right to vote is denied to persons kept in public poorhouses, asylums, or prisons.

Registration. — In order to prevent persons who are not qualified from voting, it is usually provided that the voter must have his name placed upon a *registration* list. No one is permitted to vote at any election unless his name appears upon this list. In Missouri registration of voters is not required except in the five largest cities.

Nominations. — The laws permit a person to vote for any one for a public office. As a matter of fact, however, the voter makes his choice among several persons called *candidates* who desire to hold public office and have been *nominated*; that is, named, or selected, by the political parties. In order to select candidates, the political parties hold party *conventions* or *primaries*. A party convention consists of delegates chosen by the voters of the party. This convention nominates the party candidates. This is the method of nominating the President and Vice President, and was formerly used for the nomination of local and state officials. In Missouri and many other states, however, the law now requires the nomination of candidates by a party primary. In the primary the voters of a party vote directly for the candidates, the person receiving the highest number of votes being declared the party *nominee*, or candidate for the office. Until recently the primary was under the control of the political party, which fixed the date and attended to all other

matters connected with it. This control by the party led to bad results in some cases, and it has been changed in Missouri and many other states, so that all primaries are now held under government control in much the same way as regular elections. In Missouri, the primaries of all parties for the nomination of county, district, and state officials are held on the first Tuesday of August before a general state election.

Elections. — Elections for the choice of county, state, and national officials are held every even-numbered year on the Tuesday after the first Monday in November. Elections for city and school officials are held on the first Tuesday in April in each year.¹ The difference in the dates is due to the desire to keep state and national party politics out of city and school elections, where they should not appear. The places at which persons vote are called *polling places*. Officials called *judges* and *clerks* are appointed for each election to receive and count the *ballots*. A ballot is a piece of paper upon which are printed the names of all candidates nominated by a political party. The ballots used in county, state, and national elections are printed by the county clerks of the different counties, who furnish a sufficient supply to the officials at each polling place. Secrecy is necessary, so that the voter may be free to vote for whom he desires. Hence the voter is given the ballots of all the parties and may go into a private booth to make his choice. If he wishes to

¹ In St. Louis, Kansas City, and St. Joseph, city and school elections are held once in every two years.

vote for all the candidates of one party, he hands the ballot of that party to the receiving judge. He may, however, strike out the name of any candidate and write in another name.

The election takes place as a rule between the hours of seven in the morning and six in the evening.¹ At the close of the election the votes are counted by the judges and clerks, who make an official list of the number of votes cast for each candidate. The results from the different polling places are *canvassed*, that is, are added together, and the candidate receiving the highest number of votes for an office is declared elected. The canvass of the votes is made by the city clerk in city elections and the county clerk in county elections. In the case of state and national offices each county clerk sends the total vote of his county to the secretary of state, who finds the total for all counties and announces the result.

SUGGESTIVE QUESTIONS

What are political rights? Name the most important.

What is a public official? Why are officials necessary? In what different ways are they chosen? Which plan is generally used in the national government? Which in the state and local governments?

Give the name of one appointed official and one elected official in your city; in your county; in the state; in the national government.

Who has the right to vote in Missouri? Why is there an age requirement? Why is there a residence requirement?

¹ In cities containing 25,000 population or more the hours are six in the morning and seven in the evening.

Should an alien have the right to vote? Should a woman have the right to vote? Should a voter be able to read and write?

What is registration? Why is it necessary? Is it required in your city or county?

What is a nomination? Explain the different methods of making nominations. How are state and county officials nominated in Missouri?

When are county, state, and national elections held in Missouri? When are city and school elections held? Why are elections held on different dates?

What is a ballot? How are ballots prepared?

Describe the manner of voting. Why is it secret?

How are the votes counted? How is the result of an election determined?

PART II

LOCAL GOVERNMENT

CHAPTER V

THE COUNTY

Nature and Kinds of Local Government. — Local government is separated from state government in order that the people of local communities may have a more direct control over certain matters. If the state government attended to everything, the same laws and policies would be adopted for all sections of the state, though the interests of such sections would be quite different in some cases. With distinct local government, the people of each community have the right in certain matters to adopt their own plans and carry them out through officials elected by themselves. If the matter is one which is of general interest to the entire state, the action of the local officials should be subject to the control of some state officials.

In providing for local government, it has been found desirable to create several classes of units, differing in size, population, and purpose. Missouri is divided into counties, townships, school districts, cities, towns, and villages.

The Origin of the County. — The largest division of local government is the *county*. Its origin can be traced back to England, from which most of our forms of government have come. England is divided into a number of counties, in each of which there is a government to attend to matters of special interest to the people of the county. When the English established colonies in America, this county government was brought into Virginia and other colonies. It was later carried into the western territories, and obtains to-day in most of the American states.

The County in Missouri. — When the territory of Missouri was first organized, only five counties were created. These were large in area but small in population. As the population increased and the country became more thickly settled, these counties were divided and subdivided. When Missouri became a state in 1821 there were 15 counties. To-day there are 114 counties besides the city of St. Louis, which is not included in any county but is treated as one. These counties vary in size from Worth county, with 270 square miles, to Texas county, which contains 1145 square miles. The average area of Missouri counties is about 600 square miles. The boundaries of counties were fixed by the state legislature, but they cannot be changed without the consent of a majority of the voters of all the counties affected by the proposed change.

Some place in each county is selected as the *county seat*, or headquarters of the government of the county. At the county seat are located the courthouse, usually

containing the offices of county officials, and the county jail for prisoners who are awaiting trial or who have been sentenced to imprisonment as a punishment for crime. As all the people of the county have business at the county seat, it should be located where it can be most easily reached by the greatest number of people. Its location cannot be changed except with the consent of two thirds of the voters of the county.

County Officials. — In the early history of Missouri there was no need for many officials in a county, as each official could attend to a number of different matters. As the population of a county increased, its public business became greater and more officials became necessary, so that each could attend to a single class of duties. The legislature fixes the number and kinds of county officials, the way they shall be chosen, and their term of office. It also defines their powers and duties, and no county official can lawfully exercise any authority which has not been given to him.

The county court is the chief county authority. The other county officials are the clerk of the county court, clerk of the circuit court, recorder of deeds, sheriff, coroner, prosecuting attorney, assessor, collector, treasurer, surveyor, highway engineer, school superintendent, school textbook commission, judge of the probate court, and public administrator. In a few counties some additional officials are chosen.¹ In those counties

¹ In Buchanan county there is a county auditor, elected for a term of four years, who examines all claims against the county and keeps accounts of all county officials who receive or pay out money. In Jackson county there is a county marshal, elected for a term of four years.

which have adopted " township organization " there is no county assessor or collector.¹

Election of Officials. — At first all county officials were appointed by the governor of the state. As the demand for local self-government grew, this plan was gradually changed to that of election by the people of the county. This is the general rule to-day. The governor still has the power of appointing most of the county officials in case of vacancies, but such appointees hold office only until the next county election. In some states those county officials who attend to matters for the state government, such as taxation, execution of the laws, etc., are subject to the control of the governor, who can remove them if they do not perform their duties. This is not the rule in Missouri, and as a result the laws of the state are not always enforced uniformly in all counties.

Term of Office. — Until a few years ago most county officials held office for a term of two years. The short term made it possible for the people quickly to get rid of a poor or corrupt official. On the other hand, the term was too short for the official to give good service, as he could not make himself well enough acquainted with the duties of the office. As a result, the term was increased for different offices from time to time, until to-day all county officials hold for a term of four years except the prosecuting attorney and two members of the county court, who have two-year terms, and the county highway engineer, who holds office for only one year.

Under the law certain officials cannot be reelected to succeed themselves, and in practice few county officials hold for more than two terms. This is due to the demand for "rotation in office," which means that all persons should be given a chance to hold public office. The rule makes it impossible for a county to keep a good and efficient official long in office.

Compensation. — The compensation, or pay, which a county official is to receive for his services, is fixed by the legislature, but varies with the wealth or population of the county and the nature of the office. Some offices take up all the time of the officials, while in others the officials need to act only at certain times. Two general methods of compensation are provided, — *salaries* and *fees*. A few officials receive an annual salary. In the case of the county treasurer this is fixed by the county court, while the salary of the county school superintendent varies with the population of the county. In the case of other officials the salary is a *per diem*; that is, a certain amount for each day of service. Thus, for example, each member of the county court is paid five dollars for each day's attendance upon a meeting of that body.

Most of the county officials are paid under the fee system or a combination of a small salary and fees.¹ Such officials receive certain amounts called fees for many of their official acts, and keep such payments as

¹ The prosecuting attorney receives, in addition to his fees, an annual salary which varies according to the population of the county. In a few counties he receives a salary without fees.

compensation for their services. At first the official kept all fees, and in some cases, where the business of the office became very great as a result of increase in population, the compensation of the official was much larger than in other counties. Hence the law now fixes the total amount of fees which can be kept by the official, and compels him to pay the surplus into the treasury of the county.¹

Composition of the County Court. — The most important public authority in the county is named the *county court*. It consists of three members, one of whom is called the *presiding judge*, and the other two, *associate judges*. The presiding judge is elected by the voters of the county for a term of four years. For the purpose of electing associate judges, the county is divided into two districts. The voters within each district elect one associate judge, who serves for a term of two years. This division of the county into districts is intended to prevent the election of all the judges from one part of the county.

The county court is not, as one might suppose from its name and the names of its members, a judicial body. It has a few simple judicial matters to attend to, but most of its business is executive in character. It is not called upon to interpret the law or settle disputes. Its duty is rather to execute or carry out the provisions of laws made by the legislature of the state. It manages the affairs of the county in much the same way as the

¹ In Buchanan and Jackson counties most of the county officials receive an annual salary fixed by law and pay all their fees into the county treasury.

school board attends to the business affairs of the school district. In many states such a body is known as a board of county commissioners. It derives the name of a court in Missouri from the fact that when it was first created it acted as a probate court and attended to other judicial duties which to-day are performed by other bodies.

Powers of the County Court. — The county court attends to the business affairs of the county. It authorizes expenditures for the county, and must provide taxes to raise money for the payment of bills. No account can be paid until it has been examined by the county court. If the bill is found to be correct, it is approved by the county court, and the county clerk then issues an order for the amount which shall be paid by the county treasurer.

The county court attends to the construction of the courthouse and all other county buildings, and has charge of them. It assists the poor persons of the county, and usually builds and maintains a county poorhouse or infirmary for their benefit. It provides for the opening of county roads and for the building of bridges across streams. It attends to the investment of the county and other local school funds.

Certain occupations, such as conducting a saloon, cannot be carried on without *license*, or permission, which must be secured from the county court. Similar permits must also be obtained by railroads, telegraph and telephone companies, and the like, which wish to use the county roads in any manner.

The county court appoints minor officials and employees of the county, has duties to perform in connection with elections and the selection of men to serve on juries, exercises control over the acts of some of the county officials, and has a general superintendence over the affairs of the county.

In a few of the larger counties the county court meets at least once in each month. In other counties a meeting must be held at least once in every three months, but the court may and usually does hold frequent special meetings.¹

County Clerk. — The clerk of the county court, or, as he is usually called, the county clerk, is the secretary of the county court. He attends all of its meetings and keeps a record of its proceedings or official acts. Any one who wants to know of any action of the county court may get the desired information at the office of the county clerk.

The county clerk has many other duties to perform. As we have seen, he prepares the ballots and attends to other matters in connection with primaries and elections (pages 28, 29). He also has duties in relation to the assessment and collection of taxes, issuance of licenses, division of the school money among the school districts, and other matters which have been assigned to him by the county court or the state legislature.

Circuit Clerk and Recorder. — The clerk of the circuit court, or, as he is usually called, the circuit clerk,

¹ Any one who has business to bring before the county court may come to its meeting and present the same or have it presented by the county clerk.

is the secretary of the circuit court, which is held in each county of the state (page 137). He keeps an account of the trials which take place and the judgments which are made by the court. He issues all legal papers which are necessary to bring prisoners or witnesses before the court or to execute its judgments.

The recorder of deeds keeps a record of all deeds, mortgages, and other documents having to do with the title or ownership of property. His books and other records are usually kept in a fireproof vault, and are open to the public. Any one who wishes to buy real estate can find from these records whether the person who wishes to sell it owns or has a good title to the property. It is the duty also of the recorder to issue and keep a record of all marriage licenses. The law does not permit any one to perform a marriage ceremony unless a marriage license has been secured. The license will not be issued without the consent of a parent or guardian except where the persons to be married are of age; that is, eighteen years in the case of the woman and twenty-one in the case of the man.

When Missouri became a state, the circuit clerk was also recorder. As the business of the two offices increased, the law permitted the county court to provide for the separation of the two offices. They cannot be separated in counties containing a population of less than 10,000.¹

Sheriff. — The office of sheriff is one of the oldest county offices, going back one thousand years in English

¹ In 1912 they were united in only forty counties.

history, when the sheriff was more important than all the other officials of the county. While his power is not so great to-day, he is still more important than any other single county official.

It is the duty of the sheriff to keep peace and order in the county and to arrest, that is, take in charge and place in the county jail if necessary, all offenders or persons who are charged with the violation of a law. The sheriff appoints several deputy sheriffs to assist him in his duties, and has the right to call upon any one to help him in preserving the peace.

The sheriff has important duties to perform in connection with the circuit court and other courts of the county (page 137). He notifies jurors, witnesses, and other persons whose attendance in court is required; preserves order in the court room, and executes, or carries out, the orders, decrees, and judgments of the court. He has charge of the county jail and prisoners.

Coroner. — In early days in England the office of coroner was closely related to that of the sheriff. A trace of this relationship is to be found to-day in the fact that the coroner must act as sheriff when for any reason the sheriff cannot perform his duties. The chief duty of the coroner is that of inquiring into cases of sudden death which are or may have been caused by another person. In such cases the coroner calls together six men to act as a coroner's jury and investigate the death. If they find that a crime has been committed and indicate the criminal, the coroner takes steps to secure the arrest of such person.

Prosecuting Attorney. — When it is claimed that a person has committed a crime, a trial is held to determine his guilt or innocence. He has an attorney who seeks to prove that he is innocent. The prosecuting attorney is an official who represents the state in such a trial. If he believes the person is guilty, he tries in every way to prove it and have him convicted and punished.¹ The enforcement of the laws of the state in any county will depend largely upon the ability and character of the prosecuting attorney. If he is active and impartial in performing his duties, law and order will be observed. If, on the other hand, he neglects his duty or fails to prosecute offenders on account of friendship, or for political or other reasons, illegal acts will become common and the law will be held in contempt. In the city of St. Louis the prosecuting attorney attends only to the minor criminal cases. The more important matters are left to an official known as the circuit attorney.

The prosecuting attorney is also the legal adviser of the county court and other county officials, and acts as the attorney of the county in civil suits before the courts. In counties having a population of more than 75,000 a special county counselor may be appointed for such purposes.

Assessor, Collector, and Treasurer. — The county assessor and county collector have to do with taxation for local and state purposes. Their powers and duties will be considered in Chapter XII, dealing with Rev-

¹ For the proceedings in a criminal trial see Chapter XV.

enue and Expenditures. The treasurer receives all money due to the county from the county collector and other sources. It is his duty to keep the money and to pay it out as ordered by the county court. For every payment which he makes he must have a *warrant*, or order signed by the proper officials of the county court. The county clerk keeps a record of all moneys received as well as those ordered paid out, and in this way a check is kept upon the acts of the treasurer. In order to insure the safe keeping of the money of the county the treasurer is required to have a number of persons give a bond, or an agreement to pay the county for any loss due to the failure of the treasurer to perform his duties. In former years the treasurer was allowed to put the county's money in banks and receive interest for its use. Under the law at present the money is deposited in the bank or banks which agree to pay the highest interest for its use, and the interest money goes into the county treasury.

Surveyor. — If any person is uncertain about the exact boundaries of his farm or city lot, or if two persons have a dispute over a boundary, the county surveyor will make a survey which will be official legal evidence of the correct boundaries. He makes similar surveys when directed by the county court. In counties which do not have a county highway engineer, the county surveyor performs the duties of that office regarding county roads, bridges, etc.

Highway Engineer. — The office of county highway engineer is a new one which was created in order to

secure better roads. The engineer is appointed by the county court for a term of one year, and must have a knowledge of road and bridge building. The county court divides the county into road districts and appoints a *road overseer* for each district for a term of one year. The road overseer keeps the roads in repair and attends to the building and repair of bridges and culverts in his district. Under the old system the road overseers had practically full power, and as most of them had little if any knowledge of road building, the results were bad. Now they act under the direction of the county highway engineer, who is able to plan and carry out a system of good roads for the whole county.

In Buchanan, Jackson, and St. Louis counties, the county surveyor is also county highway engineer. This may be the case in any county if the surveyor is qualified and the county court appoints him to the other office. The law permits a county to abolish the office of county highway engineer if a majority of the voters wish this done. In such case the county surveyor acts as county highway engineer, with such powers over the roads as the county court may give him. Certain territory in the county may be organized into special road districts. Such districts are under the control of a board of commissioners. Revenue for road improvement in special road districts is secured by taxation, loans, special assessments, etc.

School Superintendent and Textbook Commission. — The school superintendent and school textbook commission have duties in connection with the public schools

of the county. Their acts will be discussed in Chapter XIII, dealing with the system of public education in Missouri.

Probate Judge and Public Administrator. — The probate judge and public administrator have duties in connection with the property of persons who have died. The law permits a person to make a *will*, or written statement indicating the persons to whom his property shall go after his death, and appointing an *executor*; that is, some person to carry out his wishes. If one dies without having made a will, the law provides for the transfer of his property to his relatives. In such case there is appointed an *administrator*, who is a person to have charge of the property until it is transferred to the relatives. The probate judge appoints administrators and controls their acts and accounts as well as those of executors. He decides all disputes which arise regarding wills or the right to the property of deceased persons. In appointing administrators the probate judge must select relations of the deceased person. If there are no relations or they are not willing to serve, the public administrator will take charge of the property.

In addition to these duties, the probate judge appoints *guardians*; that is, persons to have charge of the affairs of *minors*, or children under full age, who were left without protection. He does the same for insane and other persons who are unable to manage their own property. Guardians act under the control and orders of the probate judge.

SUGGESTIVE QUESTIONS

Why is it important to have local government? Name the different kinds of local government.

Where did the county have its origin? Give the number of counties in Missouri in 1821; in 1912.

What is the average size of a Missouri county? What is the size of the county in which you live? What is its population?

How were county boundaries determined? How may they be changed?

What is a county seat? Name the county seat of your county. Is it well located?

How are most of the county officials chosen? What change has taken place in the terms of most county officials? Why?

What different methods are provided for paying county officials? Which is the better method?

Make a list of the officials of your county, and give their terms and compensation.

Who compose the county court, and how are they chosen? Name the principal powers of the county court.

Explain the principal duties of each of the county officials.

Are the offices of circuit clerk and recorder combined in your county?

What control is kept over the county treasurer?

In what bank or banks is the money of your county deposited? What is the rate of interest paid on such deposits?

Are the offices of surveyor and highway engineer combined in your county? Do you have good roads? How are they improved?

CHAPTER VI

THE TOWNSHIP

Nature of the Township. — We have seen that the average size of a Missouri county is about 600 square miles. This area is too large for certain purposes of local government. Many people live a great distance from the county seat, and desire to have direct control over some matters. Hence the county is divided into a number of districts known as townships. Townships differ in kind and purpose. In Missouri we must distinguish among three classes, — the *municipal township*, the *incorporated township*, and the *congressional township*.

The Municipal Township. — The municipal township is an area of local government, but it does not have many matters to attend to. The voters of the township elect at least two *justices of the peace* for a term of four years and a *constable* for a term of two years. These officials have duties in connection with peace and order and the administration of justice, which will be discussed in Chapter XV, dealing with the judicial department. The municipal township is also used as a subdivision of the county for elections and other purposes, but it has no matters of its own to attend to, nor does it possess any buildings or property of any kind.

The county court divides the county into municipal townships, and may change their boundaries from time to time.

The Incorporated Township. — The township has never been an important division of government in Missouri, and the municipal township is the kind which obtains in all but a few counties. In New England, on the other hand, the county is not of much importance, and most of the business of local government outside of the cities is attended to by townships. In the middle and northwestern states the county government is important, but some of its affairs have been turned over to the townships into which the county is divided. In Missouri, the law permits any county to adopt such a plan if a majority of the voters at any general election vote in its favor. This system is called township organization, and the townships so organized are known as incorporated townships. They have the right to hold property and make contracts. They are given powers in connection with roads and bridges and the assessment and collection of taxes. The county court cannot change the boundaries of incorporated townships without the consent of two thirds of the voters of the township affected by the proposed change.

The incorporated township has more officials than the municipal township. In addition to the justices of the peace and constable, there are : a *township trustee*, who is also treasurer ; a *township board of directors* consisting of the township trustee and two other mem-

bers; a *clerk*, who is also assessor; and a *collector*.¹ All the township officials are elected for a term of two years. A county having township organization does not elect a county assessor or county collector, as their duties are performed by township officers. The township board of directors has the same general power over township affairs as the county court has over the affairs of the county. For example, the township board divides the township into road districts and appoints the road overseer for each district. The township trustee and the other members of the board of directors each receive \$1.50 for each day of service. The township clerk receives the same *per diem*, but is also given fees in some cases, while other township officials are paid entirely in fees.

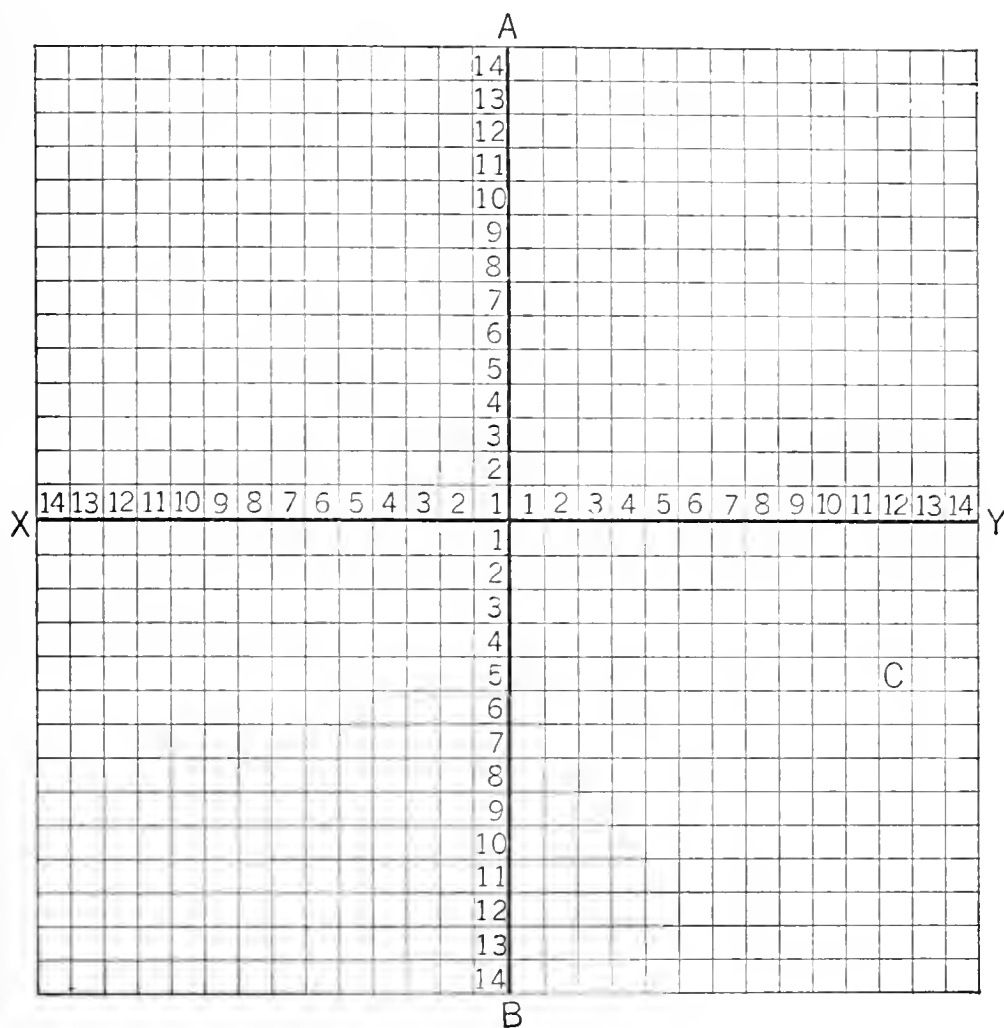
Township organization has never been popular in Missouri, and in 1912 it existed in only 20 out of the 114 counties of the state. While it permits the people of a small district to attend to their own affairs, it is more expensive, and is unpopular on that account.

The Congressional Township. — The congressional townships are not divisions of local government. They have no officials, nor have any political powers been given to them. They were created by Congress a few years after the Revolution. At that time the United States owned large amounts of public land west of the Allegheny mountains. It was the plan to sell

¹ The same person may be elected justice of the peace and member of the board of directors, and the same person may be elected constable and collector.

these lands so that they could be farmed. Before this could be done it was necessary to survey the lands; that is, adopt some method by which boundaries could be fixed and described, so that one would know what lands he bought.

The plan adopted is illustrated by Plan I below. First a line, marked AB in the plan, was surveyed, or



PLAN I

run, from a definite point north and south. This line was called a *principal meridian*. Another line, XY , which was run east and west at right angles to the principal meridian, was called the *base line*. Other north and

south lines called *range lines* were run six miles apart on each side of the principal meridian, while east and west lines called *township lines* were run the same distance apart on each side of the base line. In this way all the land was divided into districts six miles square. These squares, each containing 36 square miles, are called congressional townships.

In Plan I the numbers on the principal meridian (AB) indicate the township lines, while those on the base line (XY) mark the range lines. Each of the squares represents a township. The location of a township is described by the position of its range and township lines. For example, the township marked C in Plan I is township 5 south, range 12 east. Again, the main campus of the University of Missouri at Columbia is located in township 48 north, range 13 west of the fifth principal meridian. This means that it is in a township whose township line is the forty-eighth north of the base line and whose range line is the thirteenth west of the fifth principal meridian. As each township line represents a distance of six miles from the base line, the actual distance of the north line of this township from the base line is 48 times 6, or 288 miles. In the same way the actual distance of the west line of this township from the fifth principal meridian is 13 times 6, or 78 miles.

Each township was divided into 36 equal parts called *sections*. Hence a section contains one square mile, or 640 acres. Each section is divided into four parts or quarter sections of 160 acres each. The sections in a

township were numbered from 1 to 36, as indicated in Plan II, which represents township 48 north, range 13 west of the fifth principal meridian. The *U* on Plan II marks the position of the campus of the University, which is in the northeast quarter of section thirteen.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	<div style="border: 1px solid black; padding: 2px; display: inline-block;">U 13</div>
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

PLAN II

The relation between congressional townships and governmental townships is to be found in the fact that in some cases the governmental township, that is, a municipal or incorporated township, is given the same boundaries as a congressional township. This has not been done in many counties in Missouri, the governmental township being generally larger than the congressional township. While a congressional township may cross county boundaries, this does not occur in the case of municipal or incorporated townships.

The School District. — The school district as a division of local government will be considered in Chapter XIII, dealing with Public Education.

SUGGESTIVE QUESTIONS

Why is the county divided into townships? Who makes the division?

How many townships are in your county? Name them. What is the average size of these townships?

What is the general difference between a municipal and an incorporated township?

Name the officials of a municipal township. How are they chosen, and for what term? Explain the chief duties of such officials.

How may incorporated townships be provided in any county? Do they exist in your county?

What powers are given to an incorporated township? Give the names of its officials. Give the term and duties of each of such officials.

What is the chief advantage of township organization? What is the chief objection to this system?

For what purpose was the congressional township created? State its size, and explain how it was created.

Compare the size of congressional and municipal townships in your county.

Explain the division of a congressional township into sections.

Draw a map of the congressional township in which you live, showing the divisions into sections and quarter sections.

CHAPTER VII

CITIES, TOWNS, AND VILLAGES

How Cities Arise. — If all of the people in a state lived upon farms, there would be no need of any kinds of local government except the county, township, and school district. These could furnish all necessary protection for persons and property, and could attend to all other matters needing governmental control or assistance. This was the situation existing in the early history of all states. A change appears when people in a certain district begin to live close together instead of upon farms.

The causes which bring about this change are various, but usually it is connected with business or manufacturing of some kind. A blacksmith shop may be located at a point where it will be convenient for farmers to have their horses shod and their wagons and farm machinery repaired. As many farmers come to this point, a merchant will open a grocery and dry goods store to get their trade. If it is in a wheat country, a flour mill will be built. Houses must be built as homes for the families of the men who are engaged in business and other activities. The carpenter, stonemason, bricklayer, and painter are now needed. A physician and a druggist will soon be attracted to the community. A public school and a church or churches will add to the

settlement. If the settlement is located on a river, it may have a ferry and steamboat traffic, while a railroad will bring more people to the place.

In this way the community will grow until it includes several hundred people. It is then known as a *town* or *village*. As the trade and factories of the village grow, its population increases, and it finally becomes known as a *city*. A city exists wherever a large number of people are living together in a small area. A town or village is simply a small city.

City Government. — In a city the people live close together, so that they may get to the store, factory, school, or church without losing much time. When people live in this manner, their needs are different and more numerous than those which exist among a farming population. Disputes arise more easily under such conditions, and property is less safe. The sheriff and constable cannot be in the city at all times, and disorder would exist if other provisions were not made. Hence cities have a police force to keep peace and protect persons and property at all times. If a farmhouse burns, the fire will not spread to other farms. In a city, where houses are close together, the danger from fire is much greater, and special fire protection must be provided. Much the same is true of public health. In the country districts a little care will protect one against contagious disease in his neighbor's family. In the city, where people are in such close contact, this would not be possible without strict quarantine rules.

While farming districts need good roads, the streets

of a city must be paved and cleaned. Sidewalks must be provided. As water from private wells and cisterns becomes impure in cities, it is necessary to provide a pure and ample supply from other sources. Sewers, lighting, telephones, parks, hospitals, street railways, etc., are also needed. Some of these things can be provided only by the government, and as most of them require the use of the public streets, the consent of the government is necessary where they are carried on by private individuals or corporations. The township or county is not organized so as to be able to attend to such matters. Hence a special government is created in each city, town, or village, to regulate its affairs. The establishment of city government does not remove the people of the city from the county government. They are a part of and subject to both governments. The city of St. Louis is an exception to this rule. It was taken out of the county of St. Louis in 1876. It is treated as a county for many purposes, and elects, in addition to city officials, most of the officials who exist in counties.¹

Charter. — The people of a city or village cannot exercise the powers of city government until they have received permission to do so. As in the case of county government, these powers are granted by the state legislature. The grant of powers is called a *charter*, and a city or village which receives such a charter is said to be incorporated as a municipal corporation. The charter provides for the form of city government,

¹ See Official Manual of Missouri, 1911-1912, page 342.

naming the officials and stating their powers and duties. In former years the people secured a charter by petitioning the legislature, which passed a special act or charter for each city or village. As this led to differences in government among the cities and other evil results, the present state constitution prohibits the legislature from passing such special acts. The legislature now passes general laws or charters for cities, and a community can become incorporated as a city under such charter whenever a majority of its resident taxpayers present a petition for such incorporation to the county court.

Classification of Cities, Towns, and Villages. — The needs of a town or village are not the same as those of a city, and the needs of a large city differ from those of a small city. Hence the legislature can classify cities according to their population and enact a general law or charter for each class. The law now provides for four classes of cities, as follows: first class, those containing more than 75,000 population;¹ second class, those containing 30,000 and less than 100,000 population;² third class, those containing 3000 and less than 30,000 population;³ fourth class, those containing 500 and less than 3000 population.⁴ In order to

¹ St. Joseph is the only city with a charter of this class. Kansas City and St. Louis have special charters (page 57).

² Cities with a population between 75,001 and 99,999 may choose either the first class or second class charter. At present there is no city in the second class. Since the census of 1910 Joplin and Springfield have the necessary population, but they have not yet (1912) voted to enter this class.

³ In 1911 there were thirty-six cities in the third class.

⁴ In 1911 there were 262 cities in the fourth class. These include some towns with old special charters, which have less than 500 population.

change from one class to another a city must have the necessary population, and the change must be approved by a majority of the voters at an election held for that purpose.

The state constitution provides that St. Louis or any other city with more than 100,000 population may frame its own charter instead of using the charter provided by the legislature. St. Louis adopted a charter of this kind in 1876, and Kansas City in 1889.¹ There is also a class of towns and villages which contain a population of less than 500. A community may become incorporated as a town or village whenever two thirds of the resident taxpayers present a petition for such incorporation and the county court considers that the petition is a reasonable one.² In addition there are 20 cities and towns which remain incorporated under special charters granted by the legislature before this power was taken away from it.

Departments of City Government. — While differences in the needs of large and small cities require differences in their charters, the general form of government provided by these charters is much the same in all classes. The larger cities have more numerous officials, but, as in the small cities, these are divided into the three departments of city legislature, city executive, and city courts.

The City Legislature. — The general policies of the

¹ A number of amendments to the St. Louis charter have been adopted. In 1908 Kansas City adopted a new charter.

² In 1911 there were 365 towns and villages.

city are settled by its legislative department. Its acts or laws are called *ordinances*. They deal with a large number of matters which affect the people who live in a city, including rules of order, police and fire protection, building regulations, saloon and other licenses, public health, light and water supply, sewers, streets (including construction, repair, cleaning, and sprinkling), sidewalks, cemeteries, parks, and poor relief. City ordinances may grant to private companies the right to use the streets for water, light, telephones, street cars, or any other public purpose, and may regulate the charges to be made by any such company for its services. The city legislature provides for a city hall in which its meetings are held and which contains offices for city officials, a jail, and other needful city buildings. It provides by ordinances for taxes necessary to meet the expenses of the city, and for borrowing money to construct buildings and other public improvements. In all cities ordinances must be approved by the mayor, who is the chief executive of the city. If the mayor does not approve an ordinance, he may *veto*, that is, forbid it, in which case it will not become a law unless passed over his veto by two thirds of the members of the city legislature. In some cases an ordinance before becoming a law must be approved by the voters. This is true of an ordinance for borrowing money, and in some cities of a grant of a *franchise*, or the right to use the streets for any purpose.

The city legislature differs in form and name in different classes of cities. In St. Louis it is known as

the *municipal assembly*, and consists of two houses, — a council and a house of delegates. In Kansas City also there are two houses, which are called the upper and lower houses of the *common council*. In all other Missouri cities the legislative body consists of only one house. It is known as the *common council* in cities of the first and second classes; *council* in cities of the third class; *board of aldermen* in cities of the fourth class; and *board of trustees* in towns and villages. It is customary, however, to speak of the city legislature as the city council, regardless of its special name. The members of the city council (city legislature) are elected by the voters for terms which vary from one to four years, the longer terms obtaining in the larger cities. The city is usually divided into districts called *wards*, each of which elects one or more members of the legislative body. In St. Louis and Kansas City, where there are two houses, the members of the upper house are not chosen from wards, but are elected on a general ticket by the voters of the entire city. The same is true of the common council of St. Joseph, which consists of only one house.

The Mayor. — The chief executive in all cities is a *mayor*, who is elected by the voters for a term which varies in different cities from two to four years. In towns and villages the chief executive is the *chairman of the board* of trustees, who is chosen by the board for a term of one year. The mayor attends to the general execution of city ordinances. He recommends matters to the city council and, as we have seen, has a veto over

its ordinances. The mayor has the power of appointing some of the officials who attend to the affairs of the city, though in most cases his appointments must be approved by the city council, or, if there are two houses, by the upper house. In the larger cities, where the officials are more numerous and important, the mayor's appointing power is greater.

City Officials. — In addition to the mayor there are in all cities a number of officials who attend to the details in the affairs of the city. In most cities the following officials are elected for terms which vary from two to four years: *assessor*,¹ *collector*,² *treasurer*, *attorney*,³ and *marshal* or *chief of police*.⁴ The following officials are usually appointed by the mayor or council or by the mayor with the approval of the council: city clerk, fire chief, city engineer, street commissioner, park commissioner, and city physician or health officer. Inspectors of licenses, plumbing, buildings, etc., are appointed in the larger cities. Where a city owns its water works, light plant, etc., they are placed under the control of an appointive commissioner, superintendent, or board of public works or improvements. In cities whose income and expenses are very large there are an

¹ In Kansas City and St. Joseph the assessor is appointed instead of being elected.

² In Kansas City and St. Joseph the treasurer is also collector.

³ In St. Louis and St. Joseph the city attorney is appointed. In cities of the fourth class the attorney and assessor are appointive, but may be made elective by the city board of aldermen.

⁴ In St. Louis, Kansas City, and St. Joseph the police department is under the control of a board of police commissioners appointed by the governor of the state.

auditor and a comptroller, who look after the accounts of the city and approve claims against it.¹

These cities have also many other officials.² As the voter cannot personally know many of the candidates for city offices, he cannot make wise selections where there are a large number of offices to fill. Hence it is the better rule to reduce the number of elective offices and have most positions filled by the mayor's appointment. Being appointed by and responsible to one man, these officers will work together better than elective officers. The voters will hold the mayor responsible for their acts, and as he wishes to make a good record, he will try to appoint the best men he can secure.

City Courts. — The city courts exist for the purpose of deciding cases in which it is claimed that an individual has violated or disobeyed an ordinance of the city. If a person is not satisfied with the decision of a city court, he can usually *appeal*; that is, have the case brought before a state court. These city courts are held by officials who are known as *police judges* or *judges of the police court*, and are elected by the voters of the city except in St. Louis, where they are appointed by the mayor with the approval of the council. In towns and villages the city police court is held by the chairman of the board of trustees, and the same is true of the mayor in cities of the fourth class unless the board of

¹ In St. Louis and St. Joseph the auditor is elected, while in Kansas City he is appointed by the mayor. The comptroller is elected in Kansas City and St. Louis, but is appointed by the mayor in St. Joseph.

² For a list of these officials see the Official Manual of Missouri, 1911-1912, pages 342-353.

aldermen provides for the election of a police judge. In some cases the city police judge is also a justice of the peace (page 135), *ex officio*; that is, by virtue of his office.

City School Districts. — In some states the city government has charge of the public schools. In Missouri a separate school district is provided for this purpose. This district includes the entire city, but may contain some territory outside of the boundaries of the city. It will be considered in Chapter XIII, dealing with Public Education.

Growing Importance of City Government. — In the early history of the United States city government was of little importance, as there were very few cities and these were quite small. To-day, however, more than half of the total population live in cities, towns, or villages. One city has a population of 5,000,000, and two other cities each exceed 1,500,000 in population. In Missouri, 166 cities have each more than 1000 inhabitants, and 26 of these each exceed 3000 in population. It is clear from these figures that city government has come to be of importance to large numbers of people.

Important City Problems. — The great increase in the size of cities has created difficult problems for city governments. The greater the number of people in a city, the more danger there will be from fire, disease, and crime. Hence better provision must be made for protection from these evils. The same is true of provision for water, light, telephones, and street cars. Though these things may be supplied by private cor-

porations, the people of the city have such a great interest in their management that they have come to be known as *public utilities*. They are necessities without which people could not exist in large cities.

The people of a city should be able to secure satisfactory service in the matter of public utilities. The corporations supplying these things must use the public streets above or below the surface for their pipes, poles, or rails. Hence the city has a right to control such use, so as to prevent injuries to people and damage or obstructions to its streets. It may also wish to preserve the beauty of the city streets by requiring wires to be laid underground or carried through alleys. The city must also see that the charge for the service is not too high, as it is not possible to depend upon competition to keep the rates down. It would be a serious inconvenience to the people if two or more competing corporations were permitted to lay pipes and rails and string wires on the same streets. Finally, the question will arise in some cases of the city's claim to share in the profits as a return for the use of its streets.

Public Service Franchises.—The right or privilege of using the streets of a city for public utilities is known as a *public service franchise*. In many cases the city council, in granting the franchise, has failed to include in the ordinance provisions necessary to protect the interests of the public. In some cases the public service corporations have bribed members of the city council in order to secure franchises which did not contain such provisions.

Municipal Ownership. — Acts of this kind have caused the people to oppose public service corporations, and have led to a strong demand for *municipal ownership*; that is, for the city to own and operate plants to furnish these public utilities. The legislature has passed laws permitting municipal ownership of water works and lighting plants, and many cities have adopted this plan. Municipal ownership has been opposed on the ground that public business is not so well managed as private affairs. Some municipal plants in Missouri have been successfully carried on, while others have been failures on account of incapable or dishonest officials. It must be remembered, however, that public service corporations do not always give good service, and that some public service franchises have led to bribery of city officials.

Reform in City Government. — The fact that some city officials are dishonest, while many more do not give good service, has led to many movements for *reform in city government*. The most important reform is that which has to do with improvement in the civil service; that is, in the character of the executive officials of the city. Most of the officials of the county and township do not need any special qualifications. If they are honest and willing, they can successfully perform their duties. Frequent changes in such offices keep the officials in touch with the people. In cities, particularly in large ones, the duties of officials are much more difficult, and special training is needed. The city is much like a large corporation, and business methods

should be used in its affairs. Most of its officials should be chosen for fitness to do their work, and should hold office as long as they give good service.

At present, many officials lose office after each election on account of political changes. The state and national politics of a man cannot affect his service as a policeman, fireman, official of the city water works, or the like. In some cities this is clearly seen, and such officials are appointed after examinations to test their fitness, and they hold office so long as they give good service. Kansas City has done more than any other Missouri city in this regard.

Public Opinion. — The best way to secure improvement in city government is to create a strong demand for it among the people; that is, to arouse *public opinion* in this matter. The people will be aroused when it is shown that an official has acted dishonestly. But it is difficult to keep their attention upon matters of city government. Most men are busy with their own affairs and think they have no time for the city government. Aside from the fact that every citizen owes this duty to the city, a man should be interested in the affairs of the city because they are his own affairs. He has a direct personal interest in the things which the city is doing. He should know that impure water and poor light, filthy streets, and disease, vice, and crime, are due in part to his neglect to perform his duties as a citizen. The city can be no better than its citizens. Cities which have succeeded in arousing and keeping alive public opinion have secured good city government.

Commission Form of City Government. — Many people believe that good city government is impossible because the voters do not know what officials are responsible. This is due to the large number of officials who are elected. Where there are two houses of the city legislature, each can claim that the other is to blame. In the same way the mayor can blame the council or other elected officials, and these can claim that the bad government is the fault of the mayor or some official other than themselves. As a result, in some states the city council and all elective officials have been abolished, and their place has been taken by a *commission* of a few men, usually five, elected by the voters of the city. This commission has all the powers of the city council, and the mayor and all officials are appointed by it. In addition, each member of the commission looks after some division of the city's work. As the commission has full powers, the people can hold it responsible. A large number of cities in the United States have adopted this system, and it appears to work very well. Efforts have been made to adopt it in Missouri, but the legislature has not as yet provided for it.

SUGGESTIVE QUESTIONS

Show how cities arise.

How do cities create new needs? Name some of the most important of these needs. How do these needs affect government in the city?

What is the city charter? How is it created? How does a city secure a charter?

Why are there different classes of cities? Name and explain the different classes of Missouri cities.

What is the class of the city in which you live? When was its charter secured? What is its area? population?

What is the name of the legislative department in your city? How many members has it, and how are they chosen? What are some of the matters which it can regulate?

Who is the chief executive of your city? What is his term, and how is he chosen? What are his chief duties? Explain his veto power.

Make a list of the other officials of your city, and give their term and compensation. How many of these officials are elected?

Why do we have city courts? Who holds the city court in your city?

Why is city government growing in importance? Name some of the chief problems of cities.

What is a public service franchise? Is there any in your city?

What is meant by municipal ownership? Does it exist in your city? Give arguments for and against municipal ownership.

What reform is needed in the civil service of cities? Why?

How may public opinion affect city government? Why is it difficult to keep public opinion aroused? Why should a man be active in city affairs?

What is meant by the commission form of city government? What is its chief advantage?

What improvements are needed in your city and its government?

PART III

STATE GOVERNMENT

CHAPTER VIII

THE STATES

Origin of American States. — In order to understand how American states came into existence, we must turn to the early period of American history. A number of European nations made discoveries and settlements in America. The English settlements, or colonies as they were called, were in North America along the Atlantic coast. Each colony had its own government, with its executive, legislative, and judicial department, as well as local officials. The people of the colony had a voice in making the laws, but in most of the colonies the executive and the courts were controlled from Great Britain. Some of the laws of the British government were considered unjust and oppressive, and were opposed by the thirteen colonies. When Great Britain tried to enforce these acts, the colonies sent representatives to a Continental Congress to decide on a course of action. This body adopted the Declaration of Independence, proclaiming that “these United Colonies are, and of right ought to be, free and independent

states." The Revolution which followed changed the colonies into states. When a government of the United States was formed, these states gave up certain of their powers to the national government. The way in which this was done will be shown in Chapter XVI, dealing with the Constitution of the United States.

Admission of New States. — At first there were only thirteen states in the American Union. At this time, as we have seen, the national government owned a large amount of land west of the Allegheny mountains, which was not included within any of the thirteen original states. The government wished to sell this land and urged people to settle upon it. As the population grew, the national government divided the land into districts called *territories* and provided a government for each territory. The form of this government was similar to that which existed in the states, except that the governor and judges were appointed by the national government. As soon as the territory had a sufficient population to carry on a state government, it was admitted by the national Congress as a state into the Union. As the national government acquired additional lands, it created new territories and admitted new states. To-day there are 48 states in the Union. All the territories have been admitted except Alaska, Hawaii, Porto Rico, and the Philippine Islands.

How Missouri Became a State. — In 1803 the United States bought the vast colony of Louisiana from France. This was divided into two districts, of which one, known as Upper Louisiana, included what is now

Missouri. In 1804 this district was given a territorial government under the name of Louisiana. As the population increased, the people were given a larger share in the government. In 1812 the name was changed to Missouri, and in 1820, after reducing it in size, the national Congress gave the people of this territory the right to organize a state government. This government was approved by the national government, and the state was admitted into the Union on August 10, 1821.

The Forty-eight States. — Of the 48 states in the Union, 35 have been admitted since the national government was formed. Most of these were admitted after having had a territorial government like that of Missouri. Vermont, Kentucky, Maine, and West Virginia were separated from other states, while Texas and California were admitted as states, without having had any previous territorial government.

Rhode Island, with an area of 1248 square miles, is the smallest state, while Texas, the largest, has 265,896 square miles. Missouri, with 69,420 square miles, ranks eighteenth in area among the 48 states. In 1910 New York, with the highest rank in population, had 9,113,614, while Nevada, the lowest, had only 81,875. Missouri was the seventh in rank, with 3,293,335.

The differences among the states in area and population, as well as in climate, resources, and industries, have caused their governments to differ in certain matters. In fundamental features, however, the gov-

ernment is the same in all the states, and represents a development from that which existed in the colonies and earliest states. In all the states there is a separation of the government into the three departments of the executive, legislature, and judiciary. The chief executive in each state is a governor elected by the people, and the legislature everywhere consists of two houses. In practically all the states the law which the judiciary interprets is the common law, which had its origin in England and was brought to America in the colonial period.

SUGGESTIVE QUESTIONS

Where do we find the origin of American states?

How did the colonies become states?

How were new states created?

What was the original form of government in Missouri?

When was Missouri admitted as a state?

Name the smallest state in the Union; the largest state. Give the area of Missouri.

Name the state with the smallest population; with the largest population. What is Missouri's rank in population?

In what important features of their government do all the states agree?

CHAPTER IX

THE STATE CONSTITUTION

Origin of the State Constitutions. — Every American state has a *constitution*, which is a written document fixing the fundamental organization of the government. The idea of a constitution came from the written charters which most of the colonies had received from the king of England. These charters fixed the boundaries of the colony, and provided for its government and the rights of its inhabitants. As the king at this time had supreme power in such matters, the charter became the highest law of the colony, and if the governor or any official acted contrary to this law, his act was illegal. Some of the colonies were later forced to give up their charters, but they were able to keep the same general form of government. When the colonies became independent states, the people wished to have a written law at the basis of their governments. In two of these new states, Connecticut and Rhode Island, the old charters were so good that they were kept with very little change. In the eleven other states constitutions were adopted soon after the Revolution. In each of the 35 states which have been admitted by Congress, a similar state constitution has been adopted.

Nature of the Constitution. — With the exception of the Constitution and laws of the United States, which

will be discussed later, the state constitution is the highest law of the state. It fixes the fundamental organization of the government, and names the rights which are given to individuals against this government. As the constitution is the highest or supreme law of the state, no official or department of the government can do any act which it forbids. Any act of this kind is said to be *unconstitutional*, or illegal. An unconstitutional law is one which is opposed to the constitution and hence is no law, but merely an illegal attempt to make a law. When the legislature passes such an act, an individual whose rights are affected by it may take the matter to the courts, which will declare the act unconstitutional and void; that is, of no effect.

The early state constitutions were short documents which dealt only with the most important matters and left details to be regulated by the legislature. In the course of time the people felt that other matters should be put into the constitution, and as a result the documents are much longer. The first constitution of Missouri contained about 10,000 words, while the present constitution, adopted in 1875, contains over 25,000 words. Some of the constitutions of the newer states, as that of Oklahoma, contain about 50,000 words.

Constitution of Missouri. — The constitution of Missouri, which is similar to that of most of the other states, consists of fifteen Articles or principal parts, with the following titles: —

Article I, Boundaries. — This marks out the territory within which the power of the state is exercised.

Article II, Bill of Rights. — This secures rights for the individual against the government. It includes those personal and property rights which were discussed in Chapter III.

Article III, Distribution of Powers. — This provides for the separation of the government into the three departments, — legislative, executive, and judicial.

Article IV, Legislative Department. — This provides for the organization and powers of the legislature, including the way in which laws must be passed.

Article V, Executive Department. — The election, term, powers, and duties of the governor and chief executive officials.

Article VI, Judicial Department. — The division of judicial power among different grades of courts, and the organization and powers of each grade.

Article VII, Impeachments. — If the governor or any other important official is guilty of high crimes or misconduct, he may be *impeached*, that is, accused by the house of representatives, and if convicted by a two-thirds vote of the senate, he will be removed from office.

Article VIII, Suffrage and Elections. — This deals with the subjects discussed in Chapter IV.

Article IX, Counties, Cities, and Towns. — This defines the powers of the legislature in providing for local government.

Article X, Revenue and Taxation. — This deals with the important subject of state and local income, which will be discussed in Chapter XII.

Article XI, Education. — This will be discussed in Chapter XIII.

Article XII, Corporations. — This has to do with the creation and regulation of corporations, such as banks and railroads.

Article XIII, Militia. — The military organization of the state.

Article XIV, Miscellaneous Provisions. — Forbids duels and lotteries, and contains various provisions regarding officials.

Article XV, Mode of Amending the Constitution.

Amendment of the Constitution. — While the constitution deals with fundamental matters, its rules cannot remain the same at all times. As the state grows in population, new conditions arise, and the constitution may prevent the legislature from making proper laws for such matters. It may be necessary to increase the rate of taxation, add to the number of judges of a state court, or provide for other needs. Hence the constitution must be *amended*, or changed, so as to permit the doing of such things. As the law of the constitution is the highest law of the state, it should not be amended in the same way as ordinary laws made by the legislature.

An amendment to the constitution of Missouri may be proposed by a majority vote of each house of the legislature. Then it is printed in the newspapers in order that the voters may understand it. If the amendment receives a majority of the votes cast upon it at a general election, it is adopted as a part of the constitu-

tion. Of fifty-four amendments to the present constitution which have been submitted by the legislature, twenty-one have been adopted by the voters. Another method of amending the constitution, known as the initiative and referendum, was adopted in 1908, and will be explained in the next chapter (page 88).

Revision of the Constitution. — In the course of time the constitution as a whole or in many of its parts may not suit the new conditions in a state. In such a case there must be a revision; that is, such a general change of all the articles as will amount to the adoption of a new constitution. In order to revise the constitution, there must be a constitutional convention, a body of men chosen by the voters for that purpose. When the legislature thinks a revision is needed, it has the people vote upon the question of holding a constitutional convention. If a majority vote in favor, the members are elected by the voters, two being chosen from each senatorial district (page 80), or sixty-eight in all. This was the way in which the first constitution of Missouri was adopted in 1820. Three other constitutional conventions have adopted constitutions since that time — in 1845, 1865, and 1875. As the constitution of 1845 did not receive a majority of the votes when submitted to the people, it did not become law. When the constitution of 1820 was adopted, the law did not require it to be approved by the voters. Beginning with 1845, however, it has been the rule in Missouri, as in most other states, that the constitution, after being revised by the constitutional convention,

must be ratified, or approved, by a majority of the voters.

The present constitution of Missouri was adopted about forty years ago. Great changes have taken place in the state since that time, and the old constitution does not satisfy the new needs. The many amendments submitted prove that this is true, and show that a revision is necessary.

SUGGESTIVE QUESTIONS

What was the colonial charter, and how was it granted? How did it influence the adoption of state constitutions?

What is the relation of the state constitution to the state government? What is its relation to individuals?

What is meant by an unconstitutional law? How is a law declared unconstitutional?

How do present constitutions differ from the early constitutions? Why has this change taken place?

Name some of the important articles in the Missouri constitution.

Why is it necessary to amend the constitution? How may the constitution of Missouri be amended? How many amendments were voted on at the last election?

How does revision differ from amendment of the constitution? How may the constitution of Missouri be revised?

When was the present constitution of Missouri adopted? How many amendments have been adopted?

CHAPTER X

THE STATE LEGISLATURE

The Two Houses. — As we have seen, the government of the state is divided into the legislative, executive, and judicial departments. The legislative department in Missouri is called the *general assembly*, and, as in all other states, is composed of two houses. These houses are known as the senate and house of representatives.

Time and Place of Sessions. — The general assembly meets at Jefferson City, which is the state *capital*, or seat of government, at which the governor and other state officials have their offices. These offices and the meeting-places of the legislative houses are in the *capitol*, or principal public building of the state. In 1911 the capitol of Missouri was destroyed by fire, but a new one to cost \$3,500,000 is now being constructed.

A *regular* session or meeting of the legislature is held once in every two years, the session beginning on the Wednesday after New Year's in odd-numbered years. The governor may call *extra* sessions at other times for such matters as he may wish the legislature to consider. The two houses must agree in order to fix the date for *adjournment*, or the close of the session.

Pay of Members. — The rule regarding payment of members affects the time for adjournment. The constitution provides that members of each house shall receive five dollars a day for the first seventy days of each session, and only one dollar a day for the remainder of the session.¹ This rule is intended to prevent a long session, and as a result the legislature adjourns soon after the session has lasted seventy days. Each member receives *mileage*, that is, a sum of money for traveling expenses, which depends upon the distance from his home to Jefferson City, and thirty dollars for stationery, etc.

House of Representatives. — The house of representatives is composed of members elected by the voters for a term of two years. As all parts of the state should be represented, it is the rule that the voters of each county shall elect at least one member. Counties with a large population should have more representation than a small county. The constitution provides for this by fixing a *ratio* of representation. The population of the state is divided by 200 to get this ratio. Counties are given representatives according to the number of ratios contained in their population, as follows: —

For two and one half ratios, two representatives.

For four ratios, three representatives.

For six ratios, four representatives.

For eight and one half ratios, five representatives.

¹ In revising sessions the time during which members receive five dollars a day is 120 days. See page 86.

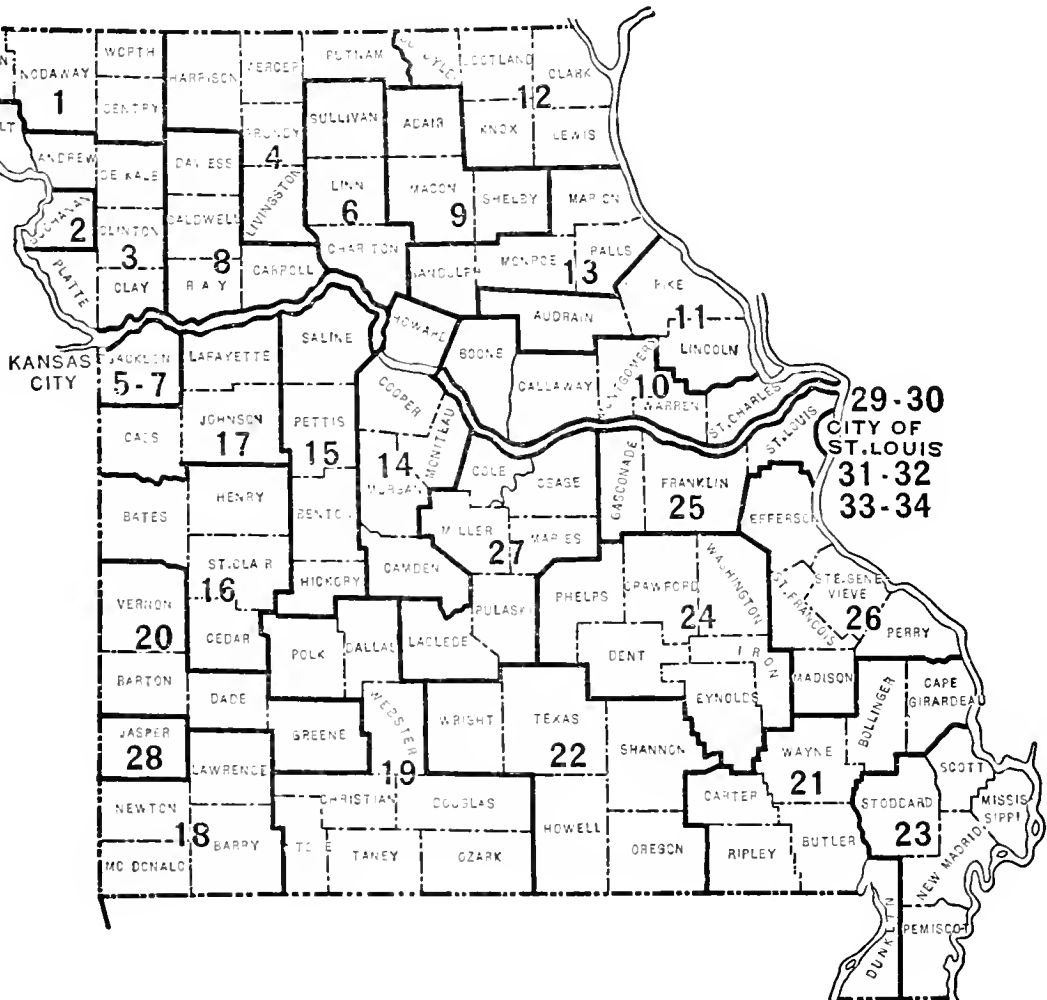
Each county having more than eight and one half ratios is given another representative for each additional two and one half ratios.

The rule of representation gives the advantage to the smaller counties. Thus 109 counties have each one representative, though their population varies from 5504 in Carter county to 35,738 in St. Francois county. Of the remaining counties, Greene and St. Louis have each 2 representatives; Jasper, 3; Buchanan, 4; Jackson, 6; while St. Louis city has 16 representatives, making a total of 142 members of the house of representatives.¹ The division among the counties is changed every ten years, after the national census, or counting of the population, has been made. A county is divided into as many districts as it has representatives, and each district elects one member. St. Louis city is divided into six districts, four of which elect 3 representatives each and two elect 2 each.

Senate. — The senate is a much smaller body than the house of representatives. The constitution requires the legislature to divide the state into 34 senatorial districts, each of which elects one senator. This division, or *apportionment*, as it is called, is to be changed every ten years, after the national census. If the legislature fails to make this division, the districts are arranged by the governor, secretary of state, and attorney-general. The constitution provides that the

¹ Under the new apportionment, which will be based upon the census of 1910, Buchanan county will lose one representative, while St. Louis county will gain one, and Jackson county and the city of St. Louis will each gain two, making the total 146.

senatorial districts shall be as nearly equal in population as may be possible. This rule may be evaded by what is known as a *gerrymander*, the districts being laid out in such a manner as to give one political party



SENATORIAL DISTRICTS.

Adapted from Official Manual, State of Missouri, 1909-1910.

an undue advantage over another. Where a district includes two or more counties, they must be contiguous; that is, adjoining one another. As a rule no county can be divided so as to have a part in two or more districts. If a county is large enough to have two or more senators, it must be divided into as many dis-

tricts as it has senators, each district electing one senator. Buchanan and Jasper counties have each one senator, Jackson county has two, and St. Louis city six.¹

Qualifications of Members.—Not every person can be elected a senator or representative. As it is necessary that he shall be old enough to act with judgment, the constitution provides that a representative must be at least 24 and a senator at least 30 years of age. It is also important that a member of the legislature shall have a direct interest in the district which he represents. Hence no one can be a member of either house unless he has resided for one year within the county or district from which he has been elected, and has paid state and county taxes during such period. He must also be a citizen and a voter. Finally, in order to keep the legislature separate from other departments, it is the rule that no national, state, or local official who receives a salary or pay of any kind can be a member of either house of the legislature.²

Officials of the Houses.—Each house, like a debating club or public meeting, must have officials to control the carrying on of its business. The lieutenant governor of the state acts as president of the senate, but the house of representatives elects its presiding officer, who is called the speaker. Each house elects all of its other officials, including a president and a speaker *pro tempore*; that is, one who presides for the time when the

¹ Under the new apportionment, which will be based upon the census of 1910, the city of St. Louis will gain one senator.

² Exceptions are made in the case of officers of the militia, justices of the peace, and notaries public.

president or the speaker is absent. The other officials are a secretary, or chief clerk, chaplain, doorkeeper, sergeant-at-arms, and assistants and clerks.

Committees. — Great care should be taken in making laws. It is not easy to understand such matters, and if every measure is not carefully examined, bad laws may be made. So many bills are brought before the legislature that each cannot be given this care by all members. Hence in each house they are sent to committees, which consist of a small number of members. There are a large number of committees, each of which has sent to it all matters dealing with a certain subject, from which the committee derives its name. Thus there are committees on banks, education, agriculture, appropriations, etc.

The committee holds meetings to which people may come to argue in favor of or against certain measures which have been sent to the committee. The committee, after discussing the measures, makes a report to its house. The report may recommend that the measure be made a law, or may advise its rejection. The majority of a committee belong to the political party which has a majority of the members of the house. Hence the report of a committee has great influence upon the majority, and is usually adopted.

Quorum. — Neither house can consider any measure or do any business unless there is present a *quorum*, or a certain number of members fixed for this purpose. As it is important that a small number should not be permitted to make laws, the constitution of Missouri

fixes the quorum at a majority of the members. A smaller number, however, can take steps to compel absent members to attend.

How Laws are Made. — Any member of either house can prepare and introduce, or submit, a *bill*; that is, a measure which it is proposed to make a law. Any citizen or society may prepare a bill, and can usually get a member to introduce it. The bill is printed so that members may read it, and is sent to its proper committee. The house cannot consider the bill until the committee sends it back with its report. In order to prevent haste in making laws, each bill must come before the house on three different days before being passed. The bill is debated, and amendments may be made to it.

After the debate has been finished, the house votes upon the bill, and if it receives the votes of a majority of all the members of the house, it is passed. It then goes to the other house, where it must go through similar proceedings. If the bill is amended in the second house, it must go back to the first house, which may accept or reject the amendment. If the first house rejects it, the bill is generally sent to a conference committee consisting of members chosen by each house. If this committee agrees upon the measure or a compromise, its report is usually accepted and the bill passed by both houses.

The Veto. — A bill which has passed both houses must go through another stage before it becomes a law. It is sent to the governor for his approval. If

he signs it within ten days after he has received it, or within thirty days, if the legislature has adjourned before the end of the ten-day period, the bill becomes a law. If the governor does not approve the bill, it is his duty to veto it, sending it back to the legislature with his reasons for the veto. In the case of appropriation bills the governor may veto particular items while approving the other parts of the bill. A bill which has been vetoed may be made a law if the legislature passes it over the governor's veto by the votes of two thirds of all the members of each house. If the governor neither signs nor vetoes a bill within the ten-day period, the legislature may declare such bill a law without the signature of the governor.

Lobbying. — Persons who are in favor of or opposed to certain bills may interview committees and members, and submit facts and arguments regarding the bills. This is called *lobbying*, and is not evil, but of benefit, as the legislature needs such information. In some cases, however, corporations employ lawyers and other persons to argue for them. This may be proper if it is known that a lawyer is employed to argue the matter for a corporation. Hence the law requires such a man to make a written statement regarding this matter and file it in the office of the secretary of state. Some lobbyists try to get votes for or against a bill by improper methods, such as paying or promising money, and other kinds of bribery. This is a crime against the people, and the briber is as guilty as the one who takes the bribe.

When Laws take Effect. — It is a rule that ignorance of the law excuses no one, which means that a man who acts illegally cannot claim that he did not know what the law was. The state, however, should make it easy for the people to know the law. Hence laws passed by the general assembly, *statutes*, as they are called, do not, as a rule, take effect until ninety days after the adjournment of the legislature. Some statutes are passed to provide for an immediate need. In such cases, if two thirds of the members of each house agree, the law may take effect as soon as signed by the governor.

The state provides also for the publication of the laws, and the ninety-day period gives time for this to be done before the laws go into effect. All statutes passed by the general assembly are filed with the secretary of state. He prepares them for publication in a bound volume, copies of which are sent to all state and county officials and to public libraries. Any person can buy a copy for fifty cents.

Revised Statutes. — Each general assembly passes a large number of statutes, some of which are new laws, while others amend or *repeal*, that is, abolish, old laws. It would be a hard matter to find the law on any subject if one needed to look through all the volumes of statutes passed by the different general assemblies. Hence the constitution directs that the general assembly shall provide for a revision of the statutes at the end of every ten years. The session of the legislature held before such revision is known as a revising session. Many statutes are revised at this session. A revising

commission, consisting of a number of lawyers, is then appointed. These men prepare the statutes for publication, leaving out all repealed laws. The latest *Revised Statutes* of Missouri, which were published in 1909, make up three large volumes containing in all more than 4200 pages.

Powers of the Legislature. — The general assembly, as the lawmaking body, has the power to legislate on any subject over which the state has control. There are a large number of such matters, of which the most important are the following: taxation; appropriation of money; punishment of crimes, such as murder, burglary, bribery, etc.; contracts; rights in property, such as renting of a house or sale of land; marriage and divorce; wills and inheritance; public education, health, and charity; regulation of saloons, hotels, and theaters; railroad, telegraph, telephone, and other public service corporations; banks, insurance, and other business corporations; matters relating to labor, mines, agriculture, manufacturing, etc.; good roads; militia; organization and power of counties, townships, cities, and villages.

Limitation upon Legislative Power. — Certain matters are prohibited to the state by the Constitution of the United States.¹ The power of the state legislature is limited as to these matters. In addition, the constitution of the state contains restrictions upon the legislature. At first these restrictions were very few in number; but for various reasons the people lost con-

¹ See Constitution, Article I, Section 10; Amendments, Article XIV, XV.

fidence in the legislature, and placed more restrictions upon it in the state constitution. In the present constitution the power of the legislature is limited or prohibited regarding a large number of matters. The most important have to do with its power to levy taxes, borrow money, and pass special laws.¹

Initiative and Referendum.— In 1908, the power of the legislature was still further reduced by the adoption of an amendment to the constitution providing for the initiative and referendum. The *referendum* is similar to the plan of having the people ratify constitutional amendments, but it applies to ordinary statutes passed by the legislature. If a number of people do not approve such a statute, they can have it referred to the voters by means of a petition signed by 5 per cent of the voters in each of two thirds of the congressional districts of the state. This means about 30,000 signatures. It is of course difficult and expensive to get these signatures. The petition must be filed with the secretary of state during the ninety-day period after the legislature adjourns. If petitions with a sufficient number of signatures are filed, the law does not go into effect, but is submitted to the voters at the next general election.² If a majority do not vote in favor of the measure, it will not become a law. The referendum has not as yet (1912) been used in Missouri.

¹ See Constitution of Missouri, Article IV, Sections 43–56.

² Certain laws relating to public peace, health, and safety, and some appropriations, are not subject to the referendum.

The *initiative* is a new method of legislation in America, though it has been used for some time in Switzerland. It provides for the making of laws by the people without using the legislature. In Missouri the same number of voters needed to secure the referendum can submit by petition any measure which they wish to make a law. This measure must be filed with the secretary of state at least four months before the general election at which it is to be submitted to the voters. If a majority vote in its favor, it will become a law. The constitution may be amended by the initiative. Two measures were submitted by the initiative at the general election in 1910, but both were rejected by the voters.

The initiative and referendum plan has been adopted in twelve states and is being urged in many more. The chief argument against it is the lack of interest on the part of the voters. In most states the vote on such measures is only half of that cast for the election of officials at the same election, and in others it is as low as one fifth. The plan has been in use in Oregon for a number of years, and in that state more than two thirds of the voters vote on the measures submitted. One reason why people do not vote is that they do not understand the measure. In Oregon a copy of the measures, with arguments for and against, is sent to each voter in the state. This should be done wherever the plan is used. If the people are to legislate directly, they should thoroughly understand the measures submitted to them.

SUGGESTIVE QUESTIONS

What is the name of the Missouri legislature? Give the names of its two houses.

When and where does it hold its sessions? How far is it from your home to the state capital?

Explain the pay of members of the legislature. What is mileage?

What are the terms of senators and representatives?

Explain the method of representation in the house of representatives. Compare this with the method of representation in the senate. What is the rule if a county has less than one ratio of representation?

Give the number of members of the house of representatives. Has your county more than one member? Give name or names.

Give the number of members of the state senate. How are senatorial districts formed? In what senatorial district do you live? Who is your senator?

Explain the qualifications of senators and representatives.

Name the chief officials of each house. Explain the committee system and show why the action of committees is so important.

What is meant by a quorum? What number makes a quorum in the Missouri legislature?

What is a bill? How is it prepared and introduced? What must be done with the bill before it can be passed? What vote is required to pass it?

What must be done after a bill has passed both houses? What is the veto? How may a bill be passed over the veto?

If the legislature is in session, ask your senator or representative to send you copies of some important bills.

Explain lobbying. How is it regulated in Missouri?

When do laws take effect? How are the people informed regarding the laws which have been passed? What are the revised statutes?

Explain the general powers of the legislature. How is it limited by the Constitution of the United States?

Why has the legislature been restricted by the constitution of Missouri? What are the most important of these restrictions?

What is meant by the referendum? What is the initiative? What are the chief arguments for and against the initiative and referendum?

CHAPTER XI

THE STATE EXECUTIVE

Importance of the Executive.— A law which has been made by the legislature will not amount to anything unless it is carried into execution; that is, enforced. As we have seen, many of the laws of the state are executed by the local assessors, collectors, prosecuting attorneys, sheriffs, policemen, and other county, city, and town officials. In many cases, however, the state laws cannot be turned over to local officials. Some matters lead to an expenditure of money which is too large for any city or county. Thus hospitals for the insane, a university, and normal schools are not usually managed by local officials. In other cases the measure may be one which should be managed, or administered, in the same way in all parts of the state. Thus most laws regarding banks, insurance companies, railroads, etc., are generally administered by state officials. Even where local officials execute state laws, their acts in some cases are supervised, or looked after, by state officials. Thus we have a state superintendent of public schools, who looks after the administration by local school officials of some of the laws relating to public education. Hence there are a large number of state officials who administer the affairs

of the state government, execute some of the laws of the state, and supervise the acts of local officials.

The Governor. — In every state the governor is the chief executive official. In Missouri he is elected by the people for a term of four years, and cannot be a candidate for reelection at the end of his term. No one can be governor unless he is at least 35 years of age, a citizen of the United States for at least ten years, and has lived in Missouri for seven years before his election. The governor is paid a salary of \$5000 a year, and is given a furnished residence at the capital.

The Lieutenant Governor. — Most states have a lieutenant governor, who is to act in place of the governor whenever he leaves the state, or in case of a vacancy on account of death, removal, or resignation of the governor. In Missouri the lieutenant governor is elected at the same time as the governor, holds for the same term, and must have the same qualifications. We have seen that he is president of the state senate. When the legislature is not in session he does not have any duties to perform except when he acts as governor. He is paid a salary of \$1000 a year and receives \$7 a day during the session of the legislature. In case of a vacancy in the offices of governor and lieutenant governor, the president *pro tempore* acts as governor. If in such a case there is no president *pro tempore*, the speaker of the house of representatives will act as governor.

The Governor's Legislative Powers. — As we have seen in studying the state legislature, the governor

has important powers in connection with the making of laws. He may call the legislature in extra session to act on matters which he thinks are important, and he may veto bills which have passed both houses. In addition, the governor is required to send to each general assembly a message in which he gives information about the state and its needs. He may also send in special recommendations on any subject at any time during the session. The governor is usually a leader of the political party which has a majority of the members of the general assembly. Hence any bill which he recommends has a good chance to be made a law. On this account, also, it is usually impossible to get a vote large enough to pass a bill over the governor's veto.

The Judicial Powers of the Governor. — The governor is also given powers of a judicial nature. When a man is found guilty of a crime, the courts must order the punishment fixed by law. There may be special reasons, however, why this punishment should not be carried out as fixed. The criminal may be ill, or his behavior in prison may have been very good. The state does not wish to punish, but to reform. Hence the governor has been intrusted with the power to grant a *reprieve*, that is, a postponement of the punishment, or a *commutation*, a reduction of the amount of the punishment, or a *pardon*, which does away entirely with the punishment and sets the prisoner free. The governor may grant a pardon to a person on condition that he will behave himself and not commit any other

crime. This is called a *parole*, which means that the person has given his word or promise of good behavior. Many prisoners who have been released on parole have reformed and become good and useful citizens.

So many petitions for pardon are presented to the governor that he cannot examine all with the necessary care. He appoints a *pardon attorney*, to whom he refers such petitions and who examines and reports upon these matters to the governor. The governor must report all pardons, reprieves, and commutations to the general assembly and state his reasons for granting them.

The Governor's Executive Powers. — The principal duties of the governor have to do with the execution of the laws of the state. He is the chief executive of the state, and as such represents the state in its relations with other states and with the national government. Thus if a criminal from Illinois comes into Missouri, the governor will order that he be given up to the officers from Illinois. The governor is commander in chief of the state militia, and can send its soldiers to any part of the state to keep order and execute the laws. In certain cases he can call upon the President of the United States to send national soldiers into the state to assist in keeping order.

The general duty of the governor to see that the laws are faithfully executed compels him to look after the local officials when they are executing state laws. He cannot as a rule interfere with such officials, but in certain cases where they can not or will not execute the laws the governor may act. In the same way he

can issue orders to some of the state officials regarding such matters. Most of the state officials who are not elected are appointed by the governor, but in many cases his appointment must be approved by the senate. He appoints in case of vacancies in most state and county offices. As a rule the governor cannot remove officers, but in some cases where it is important for the governor to control the acts of the official, he is given the power of removal. The governor issues *commissions* to state and county officials. A commission is a document showing the official's right to hold his office.

The governor is a member of the following important boards, with various administrative duties: board of agriculture, board of charities and corrections, board of education, board of equalization, board of fund commissioners, bureau of geology and mines, board of horticulture, and board of permanent seat of government. He appoints the members of some of these boards, and is usually able to influence their acts. The governor appoints a secretary to the governor, who helps him in attending to his many duties.

Other Executive Officials. — In addition to the governor and lieutenant governor, the constitution names the secretary of state, state auditor, state treasurer, attorney-general, and superintendent of public schools as officials of the executive department. Each is elected for a term of four years and may be reëlected, except the treasurer, who, like the governor, cannot be elected for two terms in succession. No one can be elected to any of these offices unless he is at least 25

years of age, a male citizen of the United States, and has lived in Missouri for five years before his election. Each of these officers receives a salary of \$3000 a year. Many other officials have been provided for by the legislature, all of whom are appointed except three railroad and warehouse commissioners, who are elected by the people of the state for terms of six years, one being elected every two years.

These officials deal with many different affairs of the state's business. While each official is usually separate from and independent of any other official, the duties of some are of the same general kind. Hence instead of naming each of the separate officials it will be better to group them all under a few classes or departments according to their powers and duties. The state auditor and state treasurer have duties relating to the state's money, and will be referred to in Chapter XII, dealing with Revenue and Expenditures. The attorney-general is the legal adviser of the state and represents it before the higher courts. His duties will be considered in Chapter XV, dealing with the State Judiciary. The state superintendent of schools will be discussed in Chapter XIII, on Public Education.

Department of State. — The *secretary of state* is the only official of this department, though he has a number of clerks to help him in performing his duties. The most important duty of the secretary of state is that of keeping the journals and other official documents of the general assembly. He also keeps a record of the official acts of the governor. The great seal of

the state, which is used on all commissions issued to officers and on other official documents, is kept by the secretary of state. Any one who wishes to can see the official records in the office of the department of state. From these records the secretary of state publishes the laws and journals of the general assembly, which he distributes among state and local officials and to others as provided by law. All nominations for state offices are filed in his office. Reports of all elections are sent to him, and he keeps a record of the name and term of office of all state and local officials. He publishes this and other valuable information in the *Official Manual of the State of Missouri*, usually called the "Blue Book," which is issued once in every two years.

The secretary of state has other important duties besides that of keeping documents and records. All corporations which are given charters, that is, the right to do business in the state, must receive their certificates of incorporation from his office. He has duties in connection with the law regulating automobiles. All automobiles, as well as chauffeurs, must be registered in his office. He is the agent of the state in matters relating to land granted to it by the national government. He has important duties to perform as a member of the following boards: board of equalization, board of permanent seat of government, and public printing commission.

Military Department. — The military department of the state includes two classes, — the militia and the naval reserve. Each exists for two purposes; first,

to help the police and sheriffs when they are unable to keep peace and order; and second, to assist the national government in case of war. The governor is commander in chief, and administers affairs through the *adjutant general*, appointed by him. The militia is known as the *National Guard of Missouri*. If necessary, as in time of war, all male citizens between 18 and 45 years of age are liable to service in the militia. In time of peace, however, no one is compelled to serve, and the militia is made up of those who wish to join. In 1912 the national guard consisted of 2934 enlisted men and 278 officers. Fifty-seven companies of infantry, located in different cities of the state, are organized in one brigade of five regiments. There are also small organizations of cavalry, artillery, and signal corps. The corps of cadets of the Missouri State Military School of the University of Missouri and certain military academies in the state are recognized as *posts* of the state militia. The *Missouri Naval Reserve* includes only one division, containing only a small number of seamen and officers.

Labor and Commerce. — The state has a deep interest in the welfare of laborers, including women and children, and laws have been passed to improve the conditions under which they work and to restrict child labor. There is a *commissioner of labor statistics*, who collects and publishes information about such conditions. In each of the three largest cities of the state there is a free employment bureau to assist laborers in getting work. A *state factory inspector*, who has a

number of assistants, enforces the laws regarding labor in factories, stores, etc. Five *mine inspectors* do the same for laws relating to labor in mines. A *board of mediation and arbitration*, consisting of three members, investigates disputes between employers and laborers and tries to settle them.

Railroads have done much to increase the wealth of the state. It is necessary, however, to have laws to prevent the railroads from charging too much for freight or passengers. The safety of passengers as well as of railroad employees must also be secured. The *board of railroad and warehouse commissioners* administers laws for these purposes, and also those laws relating to the inspection and weighing of corn, wheat, and other grain, and hay. A *board of immigration* of three members is to advertise the state in such a way as to bring in people from other states and foreign countries.

Control over Insurance and Other Corporations. — People who are obliged to trust their money to large corporations for any purpose are not able in many cases to look after its safety. Hence the state makes laws to govern such corporations, and has a number of officials to enforce them. The *superintendent of the insurance department* administers the law regarding insurance companies. Some insurance companies insure property; that is, they charge a premium, or fee, and agree to pay the owner a certain amount of money in case his property is destroyed in a fire or a windstorm. Other insurance companies insure a man against accidents, or insure his life, agreeing in case of his death to pay

a certain amount of money to his widow, children, or other persons named by him. The superintendent of insurance examines all such companies and grants licenses, or permits to do business, to those which he finds to be safe for the people to deal with. No company can do business without a license, and the superintendent can take away a license at any time.

State banks and trust companies in which people deposit their money for interest or security do business under similar laws. A *bank commissioner*, who has a number of examiners to assist him, administers these laws. Banks and trust companies make reports to the bank commissioner, and are examined at least once in each year. The bank commissioner may order a bank closed when an examination shows that it is in a bad condition.

Building and loan associations loan money to their members so that they can build houses, the loans being repaid in monthly payments. In order to protect members of such associations from fraud on the part of their officers, there is a *supervisor of building and loan associations*, who has an examiner to assist him. The powers and duties of these officials are similar to those of the bank commissioner and examiners.

Agriculture. — The majority of the people of the state are engaged in some form of agriculture. Every one has an interest in it, as it is the source of food supply. Hence it is natural that the state should do much to improve conditions and methods of agriculture. The *state board of agriculture* looks after the general agri-

cultural interests, including the state fair, which is held each year at Sedalia. It appoints a secretary, lecturers for farmers' meetings, a *state highway engineer* to promote good roads, a *state veterinarian* to attend to diseases of live stock, and an *inspector of apiaries* to look after diseases among honeybees. The *state board of horticulture* attends to the fruit interests of the state. The *state poultry board* has similar duties in connection with the poultry industry. Most of the members of these boards are appointed by the governor, and the legislature appropriates money for their work. In addition there are a large number of agricultural societies which help the state boards.

In order to secure better methods in agriculture, horticulture, and the management of live stock and poultry, experiments are carried on at the *state agricultural experiment station*, which is a part of the University of Missouri, at Columbia, and at the *state fruit experiment station*, and the *state poultry experiment station*, both of which are located at Mountain Grove. The *fish commission* of Missouri has fish hatcheries, and stocks the rivers and other waters of the state with fish. The *game and fish commissioner* enforces the laws for the protection of game animals, birds, and fish.

Public Health and Safety. — A *state board of health* looks after conditions affecting the health of the public in general. There are also local boards of health in cities and counties. An *inspector of hotels* enforces the laws regarding fire escapes and sanitary conditions

in hotels. The state laws relating to pure food and drugs are enforced by the *state food and drug commissioner*. In order to protect the public against kerosene, gasoline, and other petroleum oils which are unsafe for use, the law requires such oils to be inspected before being sold. The inspection is made by a *state inspector of petroleum oils*, who has a number of deputy inspectors to assist him.

In the case of some professions and occupations it is highly important that people shall know that a person is able to practice or do the work he claims he can do. In such cases the law requires that an examination shall be passed before a person can get a license to practice. Any one practicing in Missouri without a license is subject to a fine or imprisonment. The state board of health conducts such examinations for physicians, while the *state board of law examiners*, appointed by the supreme court, does the same for lawyers. Other boards of examination are the *board of pharmacy*, *board of dental examination*, *board of osteopathic registration and examination*, *board of examination and registration of nurses*, *veterinary examining board*, *board of examiners for barbers*, and *board of embalming*.

Miscellaneous Departments. — The *board of permanent seat of government* has charge of the public buildings, grounds, and other property at the capital. A new capitol to replace the one burned in 1911 is being built under the supervision of a *state capitol commission board* of four members, who were appointed by the board of permanent seat of government. The

commissioners of public printing make contracts for the state printing, which is under their control. The *Missouri waterway commission* investigates questions connected with the waterways of the state.

SUGGESTIVE QUESTIONS

Name some local officials who execute state laws. Why is it necessary to have state executive officials?

Who is governor of Missouri? How is the governor chosen? For what term? What is his salary? What are his qualifications?

Who is lieutenant governor of Missouri? How is this officer chosen? For what term? What is his salary? What are his duties? In case of vacancy who succeeds the lieutenant governor?

What are the governor's powers over legislation? How does his position in his political party affect this matter?

What is the governor's power of granting reprieves, commutations, and pardons? What is a parole?

Give an example of the governor's power in dealing with other states; in dealing with the national government.

Explain the governor's power of appointment. Name some official who has been appointed by the governor of Missouri.

Name the other executive officials provided by the state constitution. How are they chosen? For what terms? What salaries do they receive? How are other officials provided? How are they chosen?

Who is secretary of state of Missouri? What are his chief duties?

What is the National Guard of Missouri? For what purposes does it exist? What powers has the governor over it? Through whom does he control its affairs? Are there any state soldiers in your county?

Name the officials who attend to matters affecting labor. Are there any mines or factories in your county?

How are the railroad commissioners chosen? For what term? What are their duties?

Explain the duties of the superintendent of insurance; bank commissioner; supervisor of building and loan associations. Is

there a building and loan association in your city? Is there a state bank?

Name some of the matters attended to by the state board of agriculture. Name some of the other officials who have duties in connection with agriculture and similar interests.

Explain the duties of the state board of health; the state food and drug commissioner; the state inspector of petroleum oils.

How do lawyers secure a license to practice? physicians? dentists? Name the other classes of persons who need a state license.

CHAPTER XII

REVENUE AND EXPENDITURES

Necessity of Revenue. — No government can exist without some means of paying its expenses. This is true in a family, school, or church government as well as in political government. In a family each member who is physically able gives his labor or money which he earns by work outside of the family. In a school each member of a literary society pays his share of the money needed to pay the expenses of an entertainment, or the money is raised by charging a fee for admission. The expenses of a church are paid out of gifts made by members. The government of a state has many expenses. It must pay its officials, build public buildings, purchase supplies for state institutions, support public education, and provide the things needed for the many activities of the state. In a few cases, as in the family, persons may furnish the government the service or thing needed. Thus members of school boards serve without pay, and men may work upon the county roads or furnish a team for such work. In most cases, however, the things needed cannot be had without money.

The *revenue* of the government is its income, or the money which it receives from its citizens and other persons. It comes from four general sources, — taxes,

special assessments, fees, and loans, or money borrowed by the government.

Taxes. — A *tax* is that which the government compels persons to pay for its support. We have seen that the government exists for the benefit of the people. It protects them and does many other things in their interest. As it cannot exist without money, every one should be just as willing to pay his taxes as he is to meet a part of the expenses of his family, society, or church. The members of a family who can not or do not work may become paupers and thus destroy the family society. If a government could not raise money by taxes, it would become bankrupt; that is, unable to pay its debts. In a ball club, if a boy does not pay his share of the expenses, he may be put out of the club. In the same way, if one does not wish to pay his taxes he may leave the state and take his property with him. If he continues to live in the state or has property in it, he owes it the duty of paying taxes. As it would not be just to those who are willing to pay their taxes if others did not pay, the government has the power to compel payment and, if necessary, to sell the property of a person for this purpose.

Amount Paid by Each Taxpayer. — We may agree that members of the state should pay taxes, but we must also answer the question of how much should be paid by each taxpayer. In a ball club, each one pays the same membership fee. On the other hand, in the family each member does as much as he can, and in a church members are supposed to give what they can

afford. In some cases a tax is the same for all persons. This is called a *poll tax*, meaning a tax of an equal amount for each head, or person. As some men are much better able to pay than others, a poll tax is not fair or just.

As the state thinks that people should pay taxes according to their ability, it does not collect poll taxes.¹ It is believed that a man's ability to pay taxes depends upon the amount or value of the property he owns. Hence the chief tax collected by the state is a tax on property, or, as it is called, the *general property tax*. Other taxes collected by the state will be noted below, but, as will be seen, more revenue is brought in for the state from the general property tax than from all other taxes put together. The general property tax is also the most important tax used for county, city, and school purposes.

Assessment of Property for Taxes. — If a man is to be taxed upon his property, there must be some method of finding out what he owns and fixing its value. This method is called an *assessment*. Assessments are made by assessors, one of whom is elected in each county.² It is the duty of the assessor to assess, or fix the value of, all property in his county. A taxpayer is required to fill out each year a statement or list of his property

¹ Poll taxes are used in counties for road purposes and are collected in some cities.

² In counties having township organization, assessors are elected for each township, and there is no county assessor. In the city of St. Louis there is a board of assessors, the president being elected and the other members appointed.

with its value on June 1 and give it to the assessor. The assessor may increase the value fixed by the owner.

If a man thinks that the value at which his property has been assessed is too high, he can appeal from the decision of the assessor to the *county board of equalization*, consisting of the members of the county court, surveyor, and assessor. This board gets its name from the fact that it equalizes assessments among different taxpayers in the county ; that is, increases those which are too low and reduces those which are too high. As the total assessment of one county may be high or low as compared with that of other counties, there is also a *state board of equalization*, consisting of the governor, secretary of state, attorney-general, state auditor, and state treasurer. This board has the power to equalize assessments among the different counties of the state. It also assesses the value of the property of railroad, street car, bridge, telegraph, telephone, and express companies, which is of such a nature that it cannot be assessed by the county assessors.

Rate of Taxation. — After a man's property has been assessed, the amount of tax he must pay depends upon the *rate* of taxation. The rate is a certain percentage of the assessed value of property. It is usually stated as a certain amount for each one hundred dollars of assessed value. For example, the rate of taxation for state purposes is nineteen cents on each one hundred dollars assessed value, which is the same as nineteen one-hundredths of one per cent. The rate is *levied*, that is, fixed, by the general assembly for state purposes, by

the county court for county purposes, by the township board for township purposes, by the city council (legislature) for city purposes, and by the board of education for school purposes. The rates must not be higher than the amounts fixed by the state constitution.¹ In some cases the consent of the voters is necessary for an increase in the rate of taxation.

Collection of Taxes.—All divisions of government—state, county, township, school, city, village, and in some cases road districts—must levy taxes for support. It would cause much trouble to the taxpayer and be of great expense to the government if taxes for each purpose had to be paid to a separate collector. Hence in general there are only two classes of collectors,—the *city collector* and the *county collector*.²

City taxes are paid to the city collector, but all other taxes for local purposes (county, school, etc.) and all taxes for state purposes except some special taxes referred to later are paid to the county collector.³ In order to make it easy for people to pay their taxes, the collector or his deputy meets the taxpayers at some place or places in each township, giving public notice of the time he will meet them. Taxes must be paid not later than the first day of January. If not paid by that time they are said to be *delinquent*, and one per cent interest is charged on the amount of such taxes for each month or part of month they remain unpaid

¹ See Constitution of Missouri, Art. X., Sec. 8, 11, 22, 26.

² In the city of St. Louis all taxes are paid to the city collector.

³ In counties under township organization a collector elected in each township takes the place of the county collector.

after that date. The state holds a man's property as security for his taxes. The collector can bring suit in a court against persons whose taxes are delinquent, and the judgment may be enforced by the sale of enough of his property to pay the taxes.

Taxes on Intoxicating Liquors. — The use of intoxicating liquors leads to so much distress, poverty, and crime that strict regulations are made regarding their manufacture and sale. No one can run a saloon without securing a license or permit from the county court.¹ This license will not be granted unless a majority of the taxpaying citizens owning property in the block in which the saloon is to be situated sign a petition for it.² A "local option" law permits any county, and also any city containing more than 2500 inhabitants, to vote upon the question of having saloons. If a majority vote against saloons, they cannot be licensed in such county or city.

In order to reduce the number of saloons in places where they are licensed the state provides for taxes to be paid to the state, county, and city for each saloon license granted. This tax varies from \$200 to \$400 a year for the state and from \$500 to \$800 for the county. The city tax is usually much higher. Manufacturers and others dealing in intoxicating liquors are also required to take out licenses and pay state taxes on them. The state levies also a tax of one half cent a gallon

¹ In the city of St. Louis the license is granted by the excise commissioner, who is appointed by the governor.

² In cities with less than 2000 inhabitants the petition must contain also the names of a majority of the taxpaying citizens of the city.

and one cent a package upon all beer sold in the state. This tax is collected by the *state beer inspector*, while the taxes on saloons are collected by the city and county collectors. The taxation of intoxicating liquors by the national government will be discussed in Chapter XIX (page 170).

Other Taxes. — The state levies a *collateral inheritance tax* of five per cent. This tax is paid on the value of all property which persons who are not near relatives receive from one who has died. It does not affect property going to husband or wife, children or grandchildren, parents or grandparents. Property which is left for educational, religious, or charitable purposes is also exempt from this tax.

As we have seen, all corporations must receive their charters from the state. A tax is levied upon such incorporations, the amount depending upon the amount of capital stock which the corporation puts into its business. The insurance companies of this state are taxed on their property, as are banks and other corporations and individuals. Insurance companies of other states, or foreign insurance companies, as they are called, do not have much of their property in Missouri, though they may do a great deal of insurance business. The state levies upon these foreign insurance companies a tax of two per cent of the total amount of premiums collected by them in Missouri. As these companies are not taxed by counties, the state gives the counties one half of the income from this tax.

Special Assessments. — A government pays most of

its expenses out of its revenue from taxes. In some cases it does things which are of special benefit to a group of persons, and makes these persons pay the cost in proportion to the benefit each has received from the improvement made by the government. This amount which each must pay is called a *special assessment* or special tax. This method is used a great deal in cities in paving streets and sidewalks, and in building sewers. The city may pay the cost of these improvements out of its general income from taxes, but as these improvements increase the value of the property along which they are made, it is usual to issue special tax bills against such property for the cost of the improvement. Special assessments are not generally used by the state or county, though in some cases they are used for improving county roads or draining swamp lands.

Fees. — A *fee* is a payment made by a person for some act done for him by a public official. Thus when a deed to property is recorded or a marriage license is issued, the recorder collects a fee for it. We have seen that most of the county officials get a part or all of their compensation from the fees which they collect. Many of the state officials are paid fees for special acts which they perform, but these fees are turned into the state treasury.

In the case of officials and boards having to do with the inspection of mines, factories, banks, and other corporations, and the examination and licensing of persons to engage in certain professions and occupations, the fees charged are sufficient to pay the salaries of the

officials and all the expenses of their offices. In the case of the state superintendent of insurance, the state oil inspector, and the St. Louis excise commissioner, the amount collected for fees is much greater than the expense of the offices. In the case of the state beer inspector, the fee is really a tax, and produces a large amount of revenue.

Public Loans and Bonds. — A government may at times need more money than it can raise in a single year by taxation. A county may need a courthouse or jail, or a city may wish to build a water and light plant. A building may be needed for a school or a state capitol. In such cases the government must act like an individual — it must *borrow* the money and pay it back in small portions from year to year. In such cases the government issues *bonds*, which, like an individual's notes, are promises to pay back the loan within a certain time with interest at a certain rate until paid. As the credit of Missouri and its counties and cities is good, they can borrow money at low rates of interest. In order to prevent extravagance and corruption, loans, except for small amounts, cannot be made without the consent of two thirds of the voters, and the total amount of the loan must not exceed a certain per cent of the assessed value of property. The state *board of fund commissioners* attends to the sale of state bonds.

At the time of the Civil War Missouri had a large state debt. This was gradually paid off, until in 1903 there were no state bonds unpaid. On account of the burning of the state capitol in 1911, the people voted

to issue \$3,500,000 to build a new capitol. In 1910 the bonded debt of Missouri counties and townships amounted to more than \$5,000,000, while that of the cities of Missouri was more than \$30,000,000.

State and Local Treasurers. — As we have seen, there is a *state treasurer*, and there are also treasurers for the different kinds of local government. The city collector pays over all taxes which he has collected to the city treasurer. The county collector pays over county taxes to the county treasurer, school taxes to the treasurer of the school district, and state taxes to the state treasurer. It is the duty of the treasurers to keep the money in banks which have agreed to pay interest for the same. The money is to be paid out only when a proper *warrant*, or order, is presented. All classes of treasurers must give bonds as security for the public money in their control.

Appropriations. — Money which has been paid into the treasury cannot be paid out until it has been *appropriated*; that is, set aside to meet certain expenses. The legislature makes appropriations of the money belonging to the state, while the county court, city council, and board of education do the same for the money of the county, city, and school district. The money is appropriated to pay the salaries of officials and for other purposes for which money can be spent by the state and local governments.

State Auditor. — Legislative bodies make appropriations, but the expenditures are made by executive officials. It is necessary that some one should see that

these expenditures are made as provided by the legislature and that the prices charged the government are not too high. Hence accounts against the state go to the *state auditor*, and if he approves of them he issues the warrants for their payment out of the state treasury. In local governments the clerks usually issue such warrants upon the order of the county courts, city councils, etc., for the payment of money out of the local treasuries.

It is also necessary to keep a check upon collectors and treasurers who handle public money. This is done by means of bookkeeping in the office of the state auditor. Accounts are kept with county collectors and the state treasurer. Similar accounts are kept by the county and city clerks or comptrollers for local collectors and treasurers.

Before the meeting of each general assembly, the state auditor prepares an estimate of the appropriations which should be made, and makes his report when the legislature meets. He has other important duties relating to the revenue and expenditures of the state.

Revenue and Expenditures in Missouri. — As the legislature meets only once in two years, appropriations are made for a two-year period. The sources of state revenue and the general classes of state expenditures are shown in the following tables, which are for the years 1909 and 1910.¹

¹ These tables are prepared from figures given in the report of the state auditor, which is published every two years.

REVENUE

General Property Tax	\$5,671,136.21
License Taxes on Saloons	1,844,060.96
Beer Inspection Tax	893,130.30
Collateral Inheritance Tax	594,209.04
Tax on Foreign Insurance Companies	547,960.25
County Foreign Insurance Tax	547,969.07
Incorporation Tax	437,136.00
Fees of St. Louis Excise Commissioner	82,806.75
Fees of State Oil Inspector	136,426.70
Fees of Insurance Department	150,241.26
Fees for Hunting and Fishing Licenses	168,404.90
Fees of Other State Officials and Boards	197,315.26
Interest on Deposits in Banks	171,910.25
Earnings of State Penitentiary	729,645.65
Income of State Charitable Institutions	1,613,958.94
Miscellaneous Fees, Taxes, etc.	217,575.09
Total	<u>\$14,003,886.63</u>

EXPENDITURES

Legislative Department	\$428,807.03
Judicial Department	578,932.50
General Executive Departments	628,146.21
Assessing and Collecting the Revenue	447,752.48
Printing and Stationery	255,302.88
Military	152,599.79
Prosecution of Criminals	480,599.68
State Penitentiary	802,281.85
State Charitable Institutions	2,934,829.93
Public Schools	3,468,159.52
Normal Schools and Lincoln Institute	1,075,276.54
State University	1,115,707.75
Agriculture	241,853.42
Labor and Commerce	155,082.03
County Foreign Insurance Tax	547,878.77
Miscellaneous	264,833.48
Total	<u>\$13,578,043.86</u>

SUGGESTIVE QUESTIONS

Why does a government need money? From what sources can it get money?

What is a tax? Why should persons pay taxes? How much should each one pay? What is a poll tax? Are poll taxes levied in your city or county? Are they good taxes?

What is the general property tax? What is an assessment? How is it made? What are the county and state boards of equalization?

What is meant by the rate of taxation? What is the rate for state purposes? What is the rate of taxation in your county or township? in your city? in your school district?

How are taxes collected? What are delinquent taxes? How is their payment enforced?

Why are saloons regulated? What is meant by "local option"? Are there any licensed saloons in your city or county? If so, what taxes do they pay?

Name some of the other state taxes.

What are special assessments? Are they levied in your city? How do they help the revenue of the city?

What are fees? Give some examples of fees. How do they help the revenue of a government?

Why is it necessary for a government to borrow money? What are bonds? What is necessary before bonds can be issued? What is the bonded debt of your county? of your township? of your city? of your school district? For what purposes were these debts created?

How is the revenue from taxes paid into the state and local treasuries? Where do the treasurers keep it? What interest is paid by banks for the deposit of your county's money? of your city's money? of your school district's money?

What is meant by "appropriation"? How are expenditures controlled? How is control kept over collectors and treasurers?

CHAPTER XIII

PUBLIC EDUCATION

Need of Public Education. — The state has a deep interest in the education of its citizens. The educated farmer can get better crops than his neighbor who has not had any training. In the same way the laborer, merchant, or professional man who has had an education can do more than one who has not had this advantage. Hence the larger the number of educated citizens in a state, the greater will be its wealth and prosperity. Citizens must be educated also in order that they may know how to vote. A government cannot be better than the citizens. If voters are ignorant, the government which they elect will probably be weak and corrupt. They will not know enough to choose good or able officials. Hence in some states no one is allowed to vote unless he is able to read or write.

While private schools can furnish a good education, they are not sufficient. Most of the people could not afford to pay the charges of such schools. When only the rich could vote, public schools were not needed to educate the voters. To-day, however, when practically all men vote, the state must furnish free public schools in which the future voters can be educated and trained in the duties of citizenship. These are not charity schools, as the state expects to get something in return for the large amount of money which it spends.

It expects that those whom it is educating will become useful citizens, who will serve the public by voting for good officials and by helping in every way to improve conditions in the state.

Public Education in Missouri. — Free public schools, which have existed in Missouri for many years, are guaranteed by the following provision of the state constitution: “A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.” The legislature considers education of so much importance that it is made the duty of parents and guardians to send to a public or private school all children between the ages of eight and fourteen years.¹ Parents or guardians who fail to obey this law may be punished by a fine or imprisonment, or both.

Public education in Missouri is carried on in four different classes of schools,—common or elementary schools, high schools, state normal schools, and the state university. The management of elementary and high schools is carried on by boards which are elected in the school districts into which the state is divided. There are four classes of such districts,—common school districts, consolidated school districts, town school districts, and city school districts.

¹ Children between the ages of fourteen and sixteen years must also attend unless they are at work in some way.

Common School Districts. — The *common school districts* are found outside of any city or town. They are not large, and usually contain only a small number of children of school age. The small size of the district puts most of the children within walking distance of the school. On the other hand, the taxes which can be collected in such a district are usually not large enough to support a good school. The state gives special grants of money to some of these districts. A better plan is to organize a consolidated school district.

Consolidated School Districts. — Three or more common school districts may unite to form a *consolidated school district*.¹ Such a district, with more revenue, can have a better elementary school than any one of the separate common school districts of which it is formed. It may also maintain a high school. These districts may be so large that pupils cannot walk to the school. Hence the law provides that the school board of any district may, with the approval of two thirds of the voters, furnish free transportation to all pupils living more than one half mile from the schoolhouse. In 1911 there were 18 consolidated school districts in Missouri, but soon this number will probably be much larger.

Town and City Districts. — *Town school districts* are those which contain a town or village or a city of the fourth class. *City school districts* contain a city of the first, second, or third class. In town and city districts the population is much larger than in common

¹ A town district with less than 200 children of school age may become part of a consolidated district.

school districts. While the area is sometimes smaller, the property is more valuable and hence the revenue is larger. A high school as well as an elementary school is maintained, and in the larger cities there are one or more elementary schools in each ward of the city.

School Elections. — The voters of the school district decide certain matters relating to the schools. In common school districts there is an annual meeting of the voters at the schoolhouse on the first Tuesday in April. In this meeting the voters elect a member of the school board of directors, fix the rate of the school tax and the length of the school term, and decide a number of other questions relating to the school. In consolidated and in town and city districts there is no meeting of the voters, but there is an annual election held on the same day to elect members of the school board and to decide upon any increase in the school tax. In St. Louis, Kansas City, and St. Joseph, the school election is held every two years instead of annually.

Board of School Directors. — The management of the schools is in the charge of a *board of education* or *board of directors*, who are elected for terms of three years.¹ In common school districts there are three members, one being elected each year. In other districts there are six members, two being chosen at each election.² The board employs teachers, builds schoolhouses, and has general charge over all matters relating to the schools.

¹ In St. Louis, Kansas City, and St. Joseph the term is six years.

² In St. Louis there are twelve members, four being chosen at each election.

School Term. — The law requires that a school shall be held for at least eight months in each year. Some common school districts which cannot raise enough revenue for this purpose are given a certain amount from the state treasury. In most of the city districts the term is nine months, and in some it is ten months.

Teachers' Certificates. — We have seen that the law does not permit a lawyer, physician, or the like, to practice without a license given as the result of an examination. In the same way the law does not permit any one to teach in the public schools without a certificate, or license to teach. A teacher's certificate is granted after examinations held by the state superintendent or the county superintendent of schools.¹ The school of education of the University of Missouri and the state normal schools may issue such certificates to their students.

Principals and City Superintendents. — There are so few pupils in the common school districts that there is usually only one teacher for the entire school. In the other classes of districts where there are several teachers, a *principal* is appointed to have general charge of the school and to advise and direct the teachers in their work. In cities where there are a number of schools there is usually a *city superintendent*, who has general charge over all the schools and teachers, and advises the school board in their management of the affairs of the school district. He looks after the course

¹ In St. Louis, Kansas City, and St. Joseph the examinations are conducted by the city superintendents.

of study, classification of pupils, order and discipline, buildings, furniture, and grounds. In large cities he has so many things to attend to that he has no time to teach classes.

County Superintendent of Schools. — Common school districts and other districts with a small population cannot afford to employ a superintendent. In order that such schools may have the benefit of supervision, there is elected in each county a *county superintendent of public schools*. His duties are similar to those of a city superintendent. As the schools are scattered all over the county, he cannot visit each school as often as is done by the city superintendent. As we have seen, the county superintendent gives examinations for teachers who wish to get a certificate to teach. He also holds public meetings of teachers and school officials, and arranges for a county teachers' association for the purpose of discussing matters of interest to the schools and teachers. He is president of the *county school textbook commission*, which also includes two teachers, — one appointed by the county court and the other by the state board of education. The textbook commission adopts textbooks which are to be used in the public schools of the county except in cities which have more than 1000 children of school age, or have high schools which are accredited by the state university. In such cities the textbooks are adopted by the city school board.

State Superintendent of Public Schools. — The *state superintendent of public schools* is elected by the voters

of the state for a term of four years. He has many duties relating to public education in the state. He visits or sends his representatives to all parts of the state for the purpose of examining schools and giving advice and assistance to the school officials and teachers. He looks after the money appropriated by the state for public schools, and sees that it is distributed among the different counties and school districts. The state superintendent holds examinations for teachers' certificates, and prepares all questions used in the examinations held by the county superintendents. He may revoke a certificate in case of neglect of duty by the teacher or for other good cause. He is a member of a number of state educational boards, and collects and publishes information about the schools of the state.

School Revenues. — Public schools are supported by the government, but this support comes from a number of different sources, the most important of which are the income from school funds, appropriations made by the general assembly, and school district taxation.

School Funds. — The school funds are permanent investments for the support of the public schools. The interest from these investments is used for such support, but the principal cannot be reduced. There are four kinds of public school funds. The *state public school fund*, which is under the control of state officials, and amounts to \$3,159,281, was derived from the sale of certain lands given to the state by the national government, and from other sources. The *county public*

school fund, which exists in each county of the state, comes chiefly from fines collected in the county. The total of all the county school funds in 1911 was \$5,413,063, but this amount is constantly increasing. The *township school funds* amount to \$2,487,033. The national government gave to the state, for the use of public schools, one section of land in each congressional township. This land was sold, and the proceeds in each township form the township school fund for the use of school districts in that township. The county court has charge of the investment of the county school fund, and also of all the township school funds of the county. In addition certain school districts have special *district funds* coming from gifts made to them and from other sources. The total amount of such special funds is \$2,281,933, the greater part of which belongs to the district of the city of St. Louis.

State Appropriations for Public Schools. — The general assembly appropriates for public schools one third of all the ordinary revenue coming into the state treasury. This is a very large sum, which increases each year. This amount is added to the interest on the state school fund, and the total is divided among the counties of the state. Until 1912 the amount each county received depended upon the number of persons of school age. Thus in 1911, the total amount divided was \$1,769,274.62. As there were 975,504 persons of school age, the amount for each person was \$1.813. This method was unfair, as a county received the aid from the state regardless of the number of pupils who

were actually in school. Hence the rule was changed (1912), so that now the amount received by each county depends chiefly upon the number of persons attending public schools and the length of time during which they attend. Thus the money from the state goes where it is most needed. In 1911 a law was passed for granting special state aid to school districts which are unable to raise sufficient revenue by taxation. Under this law in 1911 the sum of \$20,522.49 was divided among 287 districts. The amount received by each county from the state, and the income from the county and township school funds, are divided among the different school districts of the county.

School District Taxation. — The total amount of income from the school funds and state appropriations is very large, but the amount received by any school district is not sufficient to support the school or schools of the district. Each district raises the balance needed by taxation on property in the district. As a rule the amount raised in any year is not enough to pay the cost of new school buildings. Hence the school board, with the consent of two thirds of the voters, may borrow money and levy additional taxes to pay the interest and repay the loan within twenty years.

Schools for Colored Children. — In Missouri the law requires that white and colored children shall be educated in separate schools. The board of directors of a school district is required to maintain a free school for colored children. It is provided that the length of the school term and the advantages and privileges of the

school shall be the same as are provided for other schools of corresponding grade within such school district.

Public High Schools. — For a long time it was thought that the common or elementary schools could furnish all the education needed by the citizens. Private academies provided the second grade of education for those who could afford to pay the cost of tuition. But it is now realized that all citizens need this training, and to-day it is provided free of charge in public high schools in cities, towns, and consolidated districts. The state superintendent of public schools inspects these schools, and classifies them according to the work which they do. In 1911 there were 131 first-class schools, 56 second-class schools, 74 third-class schools, and 259 unclassified, a total of 520 public high schools in the state.

State Normal Schools. — We cannot have good schools unless we have good teachers. Hence the state provides normal schools for the training of teachers. The counties of the state are divided into five districts, for each of which there is a state normal school. These schools are located at Kirksville, Warrensburg, Cape Girardeau, Springfield, and Maryville. Lincoln Institute, located at Jefferson City, is a state school for colored students. It trains teachers, and gives industrial and college work. Each of these schools is governed by a *board of regents*, consisting of six men appointed by the governor, and the state superintendent, who is a member by virtue of his office. Students in these schools pay small fees, but the chief support comes from appropriations made by the state legislature. In the school

of education of the state university, teachers are trained for work in the elementary schools, high schools, and colleges.

University of Missouri. — The state must also provide higher education for scholars and teachers, and for those who wish to become trained farmers, lawyers, physicians, engineers, and journalists. The University of Missouri is the state institution for higher education. It includes a college of arts and science, college of agriculture, graduate school, and schools of education, law, medicine, engineering, and journalism, located at Columbia, and the school of mines at Rolla. The university is governed by a *board of curators*, consisting of nine members appointed by the governor for a term of six years. The university has a permanent fund or endowment of about \$1,250,000, derived chiefly from the national government. In addition to the interest on this fund the university receives appropriations from the state legislature and, for certain purposes, from the national government.

Miscellaneous. — The Missouri Library Commission, appointed by the governor, advises and assists cities and schools in building up libraries. The State Historical Society of Missouri, located at the state university, collects and preserves books, newspapers, and other material of value for the history of the state.

SUGGESTIVE QUESTIONS

Why is the state interested in education? Why are public schools necessary? How has education been made compulsory in this state? Is there a truant officer in your school district?

What return does the state expect from those who are educated in public schools?

Name the different classes of public schools. Who controls the elementary and high schools? Name the classes of school districts. In which class does your school district belong?

What is the chief advantage of a common school district? What is its chief disadvantage? What is a consolidated district? What benefit results from consolidation?

What is a town school district? What is a city school district? What advantage do they have over common school districts?

For what purposes is the school election held? When is it held? How does the school election in common school districts differ from that in other districts?

How many members of the school board are there in common school districts? in other districts? What is their term of office? What are their powers? Do they receive any salary?

What is the length of the school term in your school? Is this as long as or longer than the state law requires?

What is a teacher's certificate? How may it be secured?

Explain the duties of a principal; of a city superintendent; of a county superintendent; of the state superintendent. How is each of these officials chosen?

Name the different kinds of school funds. How are the county and township funds invested?

How much money is appropriated by the legislature for public schools? What was the former method of distributing this money among the schools? Compare with the present method.

Why are public high schools needed? How many high schools in your county? How are they classified by the state superintendent?

For what purpose are normal schools established? Where are they located? In which normal school district do you live? How is each normal school governed? How supported?

Why has Missouri a state university? Name some of its colleges and schools. How is it governed? How supported?

CHAPTER XIV

PUBLIC CHARITY

Necessity of Public Charity. — One who is able to work does not need and should not receive charity. Those, however, who on account of age, sickness, or misfortune cannot provide for themselves and have no relatives to furnish support, deserve public sympathy and charity. Public charity includes also the duty of providing schools for the deaf and blind, and hospitals for the insane and feeble-minded. All of these persons who are dependent should receive public aid and kind treatment.

Charity in Counties. — In most cases, poor persons are given help by the county in which they live. The county court attends to this public charity. Food, fuel, clothing, and medicine are given to such persons in their homes. The county also has an *infirmmary*, or poorhouse, in which are kept persons who will never be able to support themselves. In most cases cities also give support to the poor.

State Charity. — The counties are unable to provide proper care for the insane or to educate the blind or deaf.¹ Hence the state has institutions for these purposes. There are four *hospitals for insane persons*, located at

¹ The city of St. Louis has its own insane asylum.

Fulton, St. Joseph, Nevada, and Farmington; an *institution for the feeble-minded and epileptic*, at Marshall; a *school for the blind*, at St. Louis; a *school for the deaf*, at Fulton. The state maintains a *Confederate soldiers' home*, at Higginsville, and a *Federal soldiers' home*, at St. James. There is a *state sanatorium* at Mount Vernon for the treatment of consumption in its earlier stages. Each of these institutions is governed by a *board of managers* of five members, who are appointed by the governor for terms of four years. In most of these institutions fees are charged, which are paid by the patients, their relations or friends, or, in case of poor persons, by the counties from which they come. In addition to these fees the institutions are supported out of appropriations made by the general assembly.

Institutions for Young Criminals. — In many cases the crimes of young criminals are the result of evil companions and bad examples. If such persons are kept in jail or sent to the state penitentiary, where other criminals are kept, these evil associations will be continued. If they can be taken away from such bad influences and given good examples and training, they may be reformed and made good citizens. For this purpose the state has established the *training school for boys*, at Boonville, and the *industrial home for girls*, at Chillicothe.¹ In these places, the boys and girls are taught useful trades and occupations. Each of these

¹ The legislature has provided for an *industrial home for negro girls*, but it has not yet (1912) been located.

institutions is governed and supported in the same way as the state charitable institutions.

State Penitentiary. — A county has a *jail*, and a city a *calaboose*, or city prison, in which are kept persons who are waiting for trial and also those who are being punished by short terms of imprisonment. If the term is for more than one year, the prisoner is sent to the *penitentiary*, or state prison, located at Jefferson City. The penitentiary is in the charge of a *warden* appointed by the governor. The state treasurer, state auditor, and attorney-general make up a *board of prison inspectors*, who examine the penitentiary and make rules for its management. Most of the prisoners are employed under the contract system. They work in shoe factories and the like, which are located in the penitentiary. The manufacturer pays the state for their services. Five per cent of the amount earned by the prisoner is kept for him or his family, and the balance is used by the state in paying the cost of the penitentiary.

State Board of Charities and Corrections. — The poor, insane, and dependent classes may suffer from neglect or bad treatment on the part of the officials or attendants. The same may be true of prisoners in jails and in the penitentiary. In order to protect these unfortunate persons there is a *state board of charities and corrections*, consisting of the governor and six members appointed by him. It is the duty of this board to investigate all public institutions for charity or correction, whether state or local, and to make reports regarding them.

SUGGESTIVE QUESTIONS

Name some of the persons who should receive public charity. What division of government attends to most cases of poor relief? In what different ways is charity given? Is there a county infirmary in your county? Where is it located?

In what cases is charitable relief given by the state government? How are the state charitable institutions governed? How supported? Is any of these institutions in your county?

Explain the purposes of the Training School for Boys and the Industrial Home for Girls. How are these schools governed and supported?

What is the penitentiary? Explain its government. How are the prisoners employed? Is this a good system?

What is the state board of charities and corrections? What are its duties?

CHAPTER XV

THE STATE JUDICIARY

The Judicial Department of Government. — We have seen that there is a judicial department of the government, whose duty it is to settle disputes regarding the meaning of a law or the rights and duties of persons. These disputes are decided by the courts which make up the judicial department. Some disputes are of more importance than others. Hence there are different grades of courts. If a man is not satisfied with the decision of one court, he may *appeal*; that is, take the question to a higher court. In Missouri the courts are arranged in the following grades: justice of the peace, circuit court, court of appeals, and supreme court.¹

Civil and Criminal Cases. — The disputes which courts decide are called *cases*, or *lawsuits*. There are two kinds of cases, *civil* and *criminal*. Certain acts which the law forbids under penalty are called crimes. If it is claimed that a man has stolen a watch, the court must decide whether he is guilty or innocent of the crime. This proceeding before the court is called a criminal case. Disputes which do not have to do with crimes are called civil cases. Thus a grocer may sue, or bring a lawsuit against, a man to compel him to pay

¹ We have already studied the probate courts and city police courts, which exist for special purposes.

for groceries he has bought. Or, two men may claim the same farm. The court must decide whether the groceries should be paid for, in the one case, and who is the real owner of the land, in the other. All such disputes regarding property, contracts, etc., are civil cases. The one who brings the suit or case to court is called the *plaintiff*; for he is the one who complains regarding his rights. In criminal cases, the state is the plaintiff. The person against whom the suit or case is brought is called the *defendant*; for he is the one who defends himself against the charge. The proceeding before the court, in which the case is heard and decided, is called a *trial*.

Justice of the Peace. — Disputes should be settled quickly, and with little cost. In order to make this possible, the court must be close at hand. This is true of the court of the *justice of the peace*. At least two of such courts are provided for each township in the county. In larger townships this number is increased. Each court is held by a justice of the peace, who is elected by the voters of the township.

The justice of the peace decides civil cases where the amount in dispute is small, as in the case of a suit for an account of a few dollars. He also decides criminal cases which are not serious or important, and in which the penalty is a small fine or short imprisonment in the jail. If either party to a case desires it, the decision must be made by a jury of six men. After the decision has been made, the case can be taken to the circuit court if either party is not satisfied. Most

of these small cases, however, are finally settled by the decision of the justice of the peace. The justice of the peace has duties in regard to serious and important crimes, which will be explained below.

As jurors, witnesses, and defendants must be brought into court, there is elected in each township a *constable*, to attend to such matters. He also carries out the decisions and orders of the justice of the peace. One constable can usually do these things for all the justices of the peace in the township. In large cities, however, there is a constable for each justice of the peace.

Circuit Court. — All important cases are brought for trial before the *circuit court*. The counties of the state are divided into thirty-six circuits.¹ As each circuit usually contains two or more counties, the court is held at different times in the different counties. At least two sessions of the court are held each year in each county. A circuit judge is elected in each circuit for a term of six years. Some circuits contain only one county. If the county is very populous, one judge cannot attend to all of the business of the court, and an additional judge or judges must be elected.²

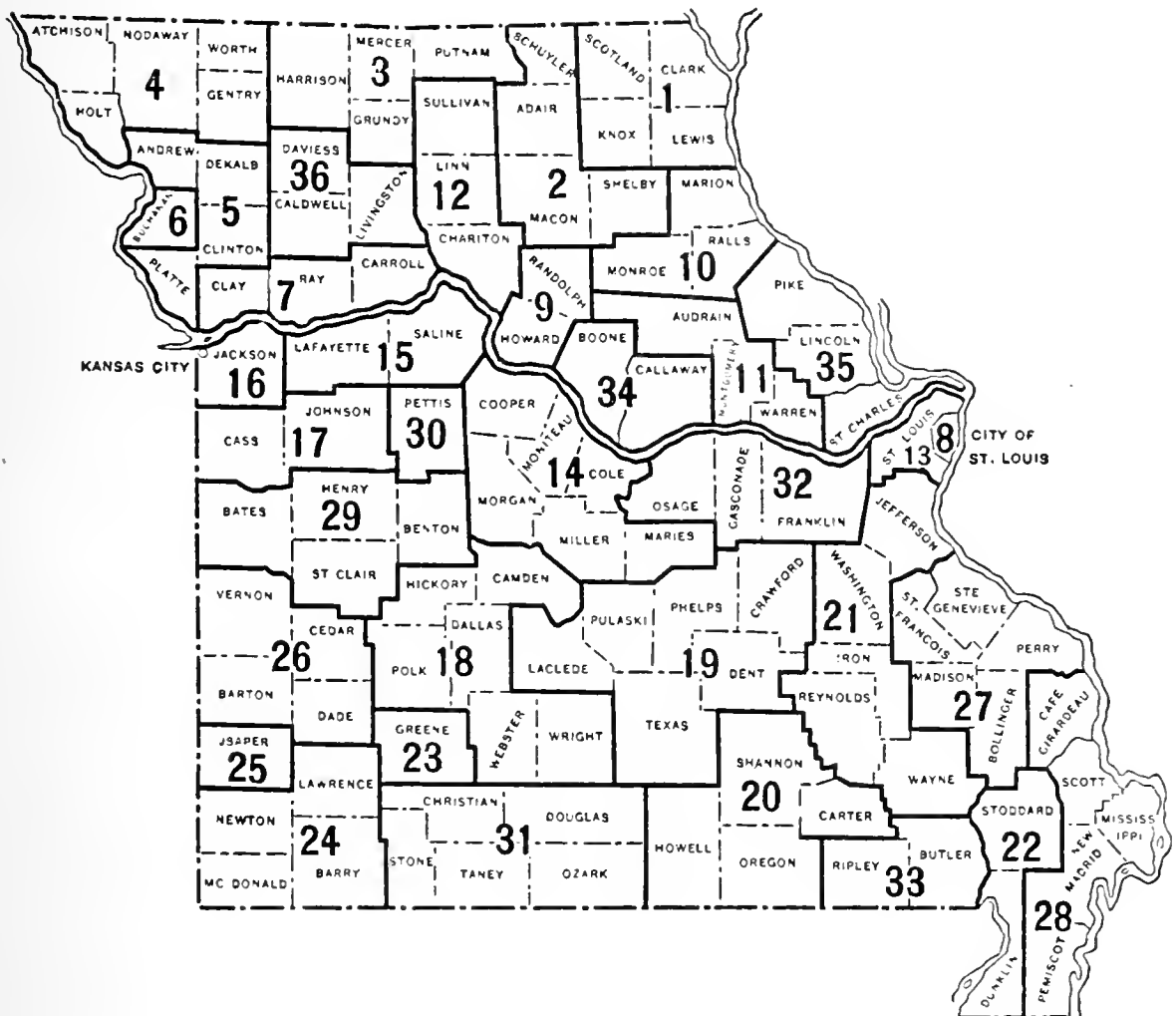
The circuit court decides both civil and criminal cases, except in a few counties, where a separate *criminal court* decides criminal cases.³

¹ The number is increased from time to time.

² Buchanan, Greene, Jasper, and St. Louis counties each elect two circuit judges; Jackson county elects eight, and the city of St. Louis elects thirteen.

³ In a few counties where there are cities at some distance from the county seat, a special court of common pleas tries certain cases which usually come before the circuit court.

Officials of the Circuit Court.—The circuit judge presides over the circuit court. He could not carry on its business without the assistance of certain administrative officials. As we have seen, the circuit clerk keeps the records of the court and issues its official



JUDICIAL CIRCUITS.

Adapted from Official Manual, State of Missouri, 1911-1912.

papers, while the sheriff arrests prisoners and brings them into court, notifies witnesses and defendants to be in court on a certain day, keeps order during the trial, and carries out the orders of the judge and the decisions of the court. The *prosecuting attorney* gives

legal advice to the county court, and looks after civil cases in which the state or county is interested. His chief duty, however, is to inquire into all cases in which a person is accused of a crime. If he believes the person is guilty, it is his duty to *prosecute* him; that is, to try to have him declared guilty by the court.

Proceedings in Criminal Cases. — When it is believed that a person has committed a crime, he is arrested; that is, taken to jail by a policeman, constable, or sheriff. As we have seen, if the case is not important, it can be decided at once by the justice of the peace. If it is a serious crime, it must be tried by a circuit or criminal court. This cannot be done at once, as the court may not be in session, or may have other business before it. The person should not be kept in jail until the trial, as he may be innocent. Hence, a preliminary trial is held before a justice of the peace, who inquires into the facts connected with the crime. If he believes the prisoner is innocent, he will discharge him; that is, order him set free. If the justice of the peace thinks the prisoner is probably guilty, he will order him held until the session of the circuit court unless he can furnish *bail*; that is, get some one or a number of men to agree to pay the state a certain sum of money if the prisoner does not appear in court when ordered to do so. A prisoner who is accused of deliberate murder or another equally serious crime cannot be set free on bail. A grand jury of twelve citizens usually meets at the time the circuit court is held. They inquire into violations of law, and agree upon an

indictment, or formal charge, against every person who in their opinion is probably guilty of some serious crime. In some cases, instead of an indictment, the formal charge is made by the prosecuting attorney, and is called an *information*. No one can be prosecuted for a crime except by indictment or information.

The indictment or information is made in the name of the state, which is the plaintiff in criminal cases, and is represented by the prosecuting attorney. The accused is defended by one or more attorneys at law, and has a right to a speedy trial. The trial, however, may be postponed if either side needs more time to secure facts, or for other good reasons. The defendant must be tried by a jury of twelve men. This trial jury is selected from a petit jury consisting usually of forty men. A person who has formed an opinion of the case is not usually selected, and each side is permitted to object to a certain number who have been selected. Persons are brought into court as *witnesses* to give *evidence*; that is, to present facts which may decide the guilt or innocence of the defendant. The judge decides disputes between the opposing attorneys regarding the evidence, and gives *instructions*, that is, advice, to the jury regarding the law governing the case. The attorneys are given a certain time in which to present their arguments to the jury. During the trial the jurymen are not permitted to discuss the case with any other persons. At its end they consult together regarding the facts in the case, and if all agree, they announce their *verdict* to the judge. If they declare

the defendant innocent, he is set free. If they find him guilty, they fix the degree of guilt, and the judge pronounces the *sentence*, or *judgment*; that is, the punishment for the crime. The sheriff takes charge of the prisoner and sees that the sentence is carried out. In cases in which the jury cannot come to an agreement, they are discharged, and a new trial may be held.

Civil Cases. — The proceedings in civil cases differ in some important matters from those in criminal cases. Any person may be the plaintiff in a civil case. The defendant is not arrested, nor is there any grand jury or indictment as in criminal cases. The plaintiff's *petition*, which is a document stating his claim against the defendant, is filed with the clerk of the circuit court. The defendant and witnesses are then notified to appear in court on the day fixed for the trial. The proceedings in court are similar to those in a criminal trial. If either party desires, the trial will be held before a jury. If neither party objects, however, the decision will be left to the judge. If there is a jury, the decision need not be unanimous, as in a criminal trial. If three fourths of the jury agree, they can give a verdict.¹

Appeals. — The decision made in a circuit court does not always settle the case. A person found guilty of a crime, and any party to a civil suit who is not satisfied with the judgment, may *appeal*; that is, take the case to a higher court, on the ground that mistakes

¹ Two thirds of a jury may give a verdict in civil cases in the court of a justice of the peace.

have been made in the trial in the circuit court. Whenever there is an appeal, the *record* of the case, or an account of the proceedings in the circuit court, is printed and sent to the higher court. One or more attorneys argue the matter for each side, and the court then decides the question of error. If it finds that mistakes have been made, it usually orders that a new trial be held. In some cases, however, it may order the release of the prisoner, or change the judgment in a civil case. If the court finds that no mistakes have been made, it *affirms*, or approves, the judgment of the circuit court.

Courts of Appeals. — There are two grades of higher courts in Missouri, — the courts of appeals and the supreme court. The less important cases are taken on appeal to a court of appeals, while the more important ones go to the supreme court.¹ The counties of the state are divided into three districts, for each of which there is a *court of appeals*. These courts are known from the names of the cities in which they meet, as the St. Louis, Kansas City, and Springfield courts of appeals. Each court consists of three judges elected for terms of twelve years.

The Supreme Court. — There are seven judges of the *supreme court*, elected for terms of ten years. They choose one of their number to be chief justice. So large a number of cases were taken to the supreme court

¹ In general, all civil cases in which the amount of money in dispute is more than \$7500 go to the supreme court, and the same is true of the more serious criminal cases.

that it was necessary to make two divisions of the court. Division number one, which consists of four judges, considers only civil cases. The other three judges make up division number two, which decides all criminal cases and some of the civil cases. Some cases which are important are brought before the entire court for decision. The supreme court meets at Jefferson City in the supreme court building. The supreme court and each of the courts of appeals appoints its own clerk and marshal.

Court of Impeachment. — The governor and other executive officials and the judges are elected to hold office for a certain number of years. If they misbehave seriously during these terms of office they should be removed. A process called *impeachment* is provided for this purpose. The house of representatives may impeach; that is, bring charges against such officials. In such case, the senate becomes a court for the trial of the impeachment. An official will not be declared guilty unless two thirds of the senators agree in the verdict. If guilty, he can be removed from office and disqualified from holding any other office.

SUGGESTIVE QUESTIONS

What is the judicial department? Name the grades of Missouri courts.

Name the classes of disputes which are brought before the courts. Explain a civil suit. Explain a criminal case. Who is the plaintiff? Who is the defendant?

How many justices of the peace in your township? How are they chosen? For what term? What kinds of cases are decided by them? What are the duties of the constable?

How is the circuit judge chosen? For what term? In what circuit do you live? When is the circuit court held in your county?

Name the officials of the circuit court. Explain the duties of the circuit clerk; the sheriff; the prosecuting attorney.

When and by whom may a person be arrested? Explain the preliminary trial. What is meant by bail? What is an indictment? What is an information?

How is a jury selected? Who are witnesses? What is necessary for a verdict in criminal cases?

How do the proceedings in civil cases differ from those in criminal cases?

What is meant by an appeal? On what ground may it be taken? What action may be taken by the higher court on a case that has been appealed?

Name the two grades of courts to which cases may be taken on appeal. To which court are the more important cases taken?

How many judges compose each court of appeals? How are they chosen? For what term? Which is the court of appeals for your county?

How many judges of the supreme court? How are they chosen? For what term?

What is meant by impeachment? What officials may be impeached? How may they be impeached? How are they tried? What is necessary for a verdict of guilty?

PART IV

THE NATIONAL GOVERNMENT

CHAPTER XVI

THE CONSTITUTION OF THE UNITED STATES

Union among the Colonies. — The national government in the United States was brought into existence as a result of united action among the states. In order that we may understand how the states came to form this union, we must go back to the colonial period in American history. Each of the English colonies in America had its separate government. The different colonies soon found that they had some interests in common. For example, the French and Indians were a common danger, and united action against them was necessary. Some of the colonies which had established religious freedom feared opposition and persecution from the British king. Hence as early as 1643 four of the New England colonies formed a confederacy, under the name of "The United Colonies of New England," for mutual offense and defense. This confederacy continued until 1684, though little was accomplished in the later years.

The acts of the British government which led to the Revolution brought about union and united action

among all the colonies. In the Stamp Act Congress, held in 1765 to protest against the act of the British Parliament which taxed the colonies without their consent, nine of the thirteen colonies were represented by delegates. The protest was successful, and when in 1774 Great Britain passed other acts to which the colonists objected, another convention, called the First Continental Congress, was held, in which all the colonies except one were represented. As the British government insisted on the enforcement of these oppressive acts, the Second Continental Congress, to which all the colonies sent delegates, was held in 1775. This congress organized a continental army to oppose the British forces, and appointed George Washington as its general. Finally, when it was felt that Great Britain would not recognize the rights claimed by the colonists, this congress adopted the Declaration of Independence, which declared that the "United Colonies are, and of right ought to be, free and independent states."

Articles of Confederation. — The Revolution changed the colonies into states, and left each free to attend to its own affairs. From the beginning, however, there were some matters which no single state could manage, but which needed joint action by all the states. It was necessary to have an army and a navy and money to carry on the war. For some time these matters were looked after by the Continental Congress, which continued to meet each year. As each state had adopted a written constitution, it was felt that the united

government of all the states should be provided for in a similar manner. The Continental Congress adopted for this purpose a written document called the Articles of Confederation. This constitution could not go into effect until ratified by the legislatures of all the states. As some states objected to certain matters, the approval of the Articles of Confederation by all the states was not secured until 1781.

Before the final ratification of the Articles of Confederation had been secured, many people believed that the new constitution would not prove satisfactory. It was felt that the united government was not given enough power to act for the common welfare of all the states. This government could not raise revenue by taxation, and was thus unable to pay its debts or attend to many matters of importance. While it could call upon the states for money, it could not compel them to pay the necessary amounts. The states were suspicious of one another, and thus weakened the united government. Attempts were made to amend the Articles of Confederation so as to give the united government the power to raise money by taxation. An amendment could not be adopted without the consent of all the states, and this could not be secured.

Constitutional Convention of 1787. — After many unsuccessful attempts had been made to strengthen the government, Washington and other leaders were able to secure the calling of a constitutional convention to consider the situation. This convention met at Philadelphia in 1787. It consisted of delegates chosen

by the legislatures of all the states except Rhode Island, which did not send any representative. Washington was the president of the convention, and the other members were among the ablest leaders and statesmen of the country. Most of them were naturally interested in the welfare of their separate states, and there were many differences of opinion regarding the plan which should be adopted. As all felt that more power should be given to the united government, it was agreed that a new constitution should be drawn up. The differences of opinion regarding the form and powers of the new government were settled by compromise, and the Constitution of the United States was finally adopted.

Ratification of the Constitution. — The constitutional convention could not substitute the Constitution for the Articles of Confederation. It was necessary to have the consent of the states. As it was feared that not all the states would agree, the convention decided that the new Constitution should go into effect when ratified by nine of the thirteen states. Opposition to the proposed Constitution appeared in all the states. Many feared that it gave too much power to the national government and that the states would be weakened by it. In some of the states the opposition was very great, and it was not until June 21, 1788, that the consent of nine states was secured. Two other states gave their consent in a short time, but North Carolina and Rhode Island did not ratify until after the new government under the Constitution had taken the place of that provided by the Articles of Confederation.

The National Constitution. — The members of the constitutional convention were familiar with the constitutions of the different states, and used these as models in framing the national Constitution. They knew that the best forms of government were those which had been used successfully. Hence they did not try to invent new forms, but adopted those which had been in use among the colonies and states. The Constitution of the United States provides for the three departments of government. Article I deals with the legislative department, or Congress, Article II with the national executive, and Article III with the national judiciary. In Article IV the Constitution regulates certain relations of the different states to one another and to the national government. Article V contains provisions for the amendment of the Constitution, while Articles VI and VII deal with miscellaneous matters.

The Constitution as adopted did not contain any bill of rights such as we found in the state constitution. This was one important objection urged against the adoption of the Constitution. Some of the states in ratifying the Constitution insisted that it should be amended as soon as possible in this respect. When the new government under the Constitution was put into operation, ten amendments were adopted. These amendments, with those adopted after the Civil War, are considered the bill of rights of the national Constitution.

Federal Government. — The government established

by the Constitution is called a *federal* government. In a federal government, the powers are divided between two classes of governments, — the governments of the states and the government of the nation, or national government. This division of powers in the United States is made by the Constitution. As we have seen, the states at first were independent and had all powers of government. It was found necessary, however, to take some powers away from the states and give them to the national government. This was done by the Constitution. The national government has only such powers as have been granted to it in this way. The states keep all powers which were not granted by the Constitution to the national government, except certain powers which are not given to any government but are kept by the people. The states cannot interfere with the exercise of any power granted by the Constitution to the national government. On the other hand, the national government must not act in any matter which has been left for regulation by the states. If either the state or the national government interferes with any power belonging to the other, the Supreme Court of the United States will declare its act to be unconstitutional and void (page 73).

Amendment of the Constitution. — As we have seen, Article V of the Constitution contains the amending clause. Of the different methods provided, only one has been used. The amendment is proposed by a two-thirds vote in each house of Congress. It is then sent to the legislatures of the different states, and if three

fourths of these approve the amendment, it is ratified as a part of the Constitution. It is a very difficult matter to get so large a number of states to agree. This is one reason why the Constitution has not been amended many times. Only fifteen amendments have been adopted. Of these, the first ten, as we have seen, were adopted as a bill of rights immediately after the Constitution went into effect. The Eleventh Amendment, which prevents a person from suing any state, was adopted in 1798. The Twelfth Amendment, modifying the system of electing the President, was adopted in 1804. Finally, the Thirteenth, Fourteenth, and Fifteenth Amendments, which were adopted between 1865 and 1870, were intended to abolish slavery and to protect the negroes and other persons in their personal, property, and political rights. Many other amendments have been proposed. Most of them have failed to secure the necessary vote in Congress, while those which passed Congress could not get the approval of enough state legislatures. Congress has recently proposed a Sixteenth Amendment giving the national government full power to levy an income tax. This is now before the states, but has not yet (1912) secured enough votes in its favor.

SUGGESTIVE QUESTIONS

What was the Stamp Act Congress? the First Continental Congress? What was done by the Second Continental Congress?

Why were the Articles of Confederation adopted? How were they adopted? Why were they unsatisfactory?

Explain the constitutional convention of 1787. What models were followed in framing the Constitution? How was it ratified?

Did the Constitution as adopted contain a bill of rights? How was one secured?

What is meant by federal government? How does the Constitution divide powers between the states and the national government? How is each government prevented from interfering with a power belonging to the other?

Explain the usual method for amending the national Constitution. Compare with the method used in Missouri. How many amendments to the national Constitution have been adopted? Is any amendment now before the states for ratification? If so, what action has Missouri taken on it?

CHAPTER XVII

THE NATIONAL LEGISLATURE

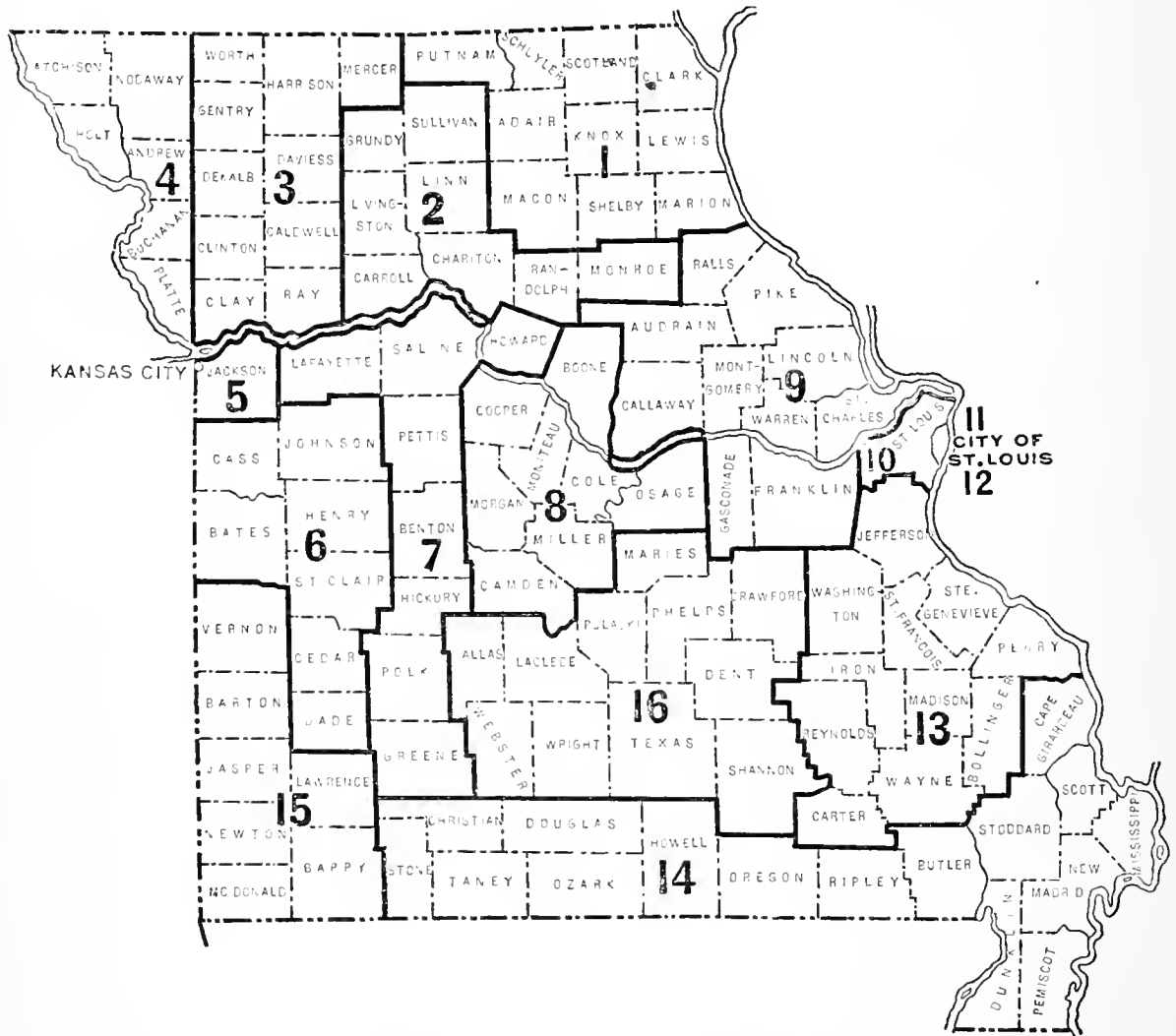
The Congress. — The national legislature is called the Congress. Like the state legislature it consists of two houses, which have the same names as the two houses of the general assembly of Missouri, — the *house of representatives* and the *senate*. At first the framers of the Constitution were unable to agree regarding the composition of Congress. The states with a small population insisted that each state should have an equal vote, as they feared that any other rule would give the large states too much power. The large states, on the other hand, demanded that representation in the national legislature should be in proportion to population. They argued that the people and not the state should be represented, that as the large states would pay more taxes, they should have a larger number of members of the lawmaking body. For a time it seemed that no agreement could be reached on this matter in the constitutional convention. It was finally decided as a compromise that representation in one house should be proportional to population, while in the other each state should be equally represented.

The House of Representatives. — The house of representatives is that part of Congress in which each state is represented according to its population. Once

in ten years Congress fixes the total number of representatives and the number to be chosen from each state. In doing this it makes use of a number called the *ratio* of representation. The population of each state is divided by this ratio, and the quotient gives the number of its representatives. The quotient will usually consist of a whole number and a fraction; if the fraction is greater than one half, a representative is allowed for it. At first the ratio was 33,000. As the population of the states changes, it is necessary to have a change in the *apportionment*, or distribution of representatives among the states. The Constitution provides that a *census*, or enumeration of the population, shall be made every ten years. A new apportionment of representatives is made after each census. As the total population increases, Congress changes the ratio after each census, as otherwise the size of the house would be too large. If the ratio to-day were still 33,000, the total number of members in the house of representatives would be about 3000. The present number of members is 435, and the ratio that was used in apportioning them to the states is 211,877. The population of Missouri is 3,293,335, which contains the ratio 15.54 times, thus giving the state 16 members of the house of representatives. Under the Constitution each state is given at least one representative, no matter how small its population. This applies now especially to Nevada, whose population is less than half the ratio.

Representatives in Congress are elected directly by

the qualified voters of the states. Their term of office is only two years. The method of apportionment, direct election, and short term which obtain for the members of the house of representatives bring them closer to the people. As a rule they act more quickly in accordance with public opinion than do the members



CONGRESSIONAL DISTRICTS.

Adapted from Official Manual, State of Missouri, 1911-1912.

of the senate. Hence the house of representatives is called the popular branch of Congress.

Congressional Districts. — Each state which has more than one member of the house of representatives

is divided by the state legislature into as many districts as it has members. Each of these congressional districts elects one member of the house of representatives. The law requires that the congressional districts shall be as nearly as practicable equal in population and shall be formed of compact and contiguous territory. In order to gain an advantage over its opponent, a political party in control of a state legislature may violate this rule by making some districts much larger than others. The districts are arranged in such a manner that the party will be able to elect representatives from the smaller districts, thus securing a larger number than its votes entitle it to have; in some cases the counties which form the districts are so distributed that one party can elect all the representatives from a state. This plan of arranging districts unfairly is called *gerrymandering*.

The Senate. — The senate differs from the house of representatives in many important respects. We have seen that each state is represented equally instead of according to its population, as in the house of representatives. This makes it possible for the senate to be opposed to a measure which has passed the house of representatives and is desired by a majority of the people but not by a majority of the states. Thus, for example, Missouri has 16 votes in the house of representatives, while the states of Arizona, Delaware, Idaho, Montana, Nevada, New Hampshire, New Mexico, Utah, Vermont, and Wyoming combined have a total of only 15 votes. These ten states, however,

have 20 votes in the senate, while Missouri has only 2. As each state has only two United States senators, the senate is a much smaller body than the house. At first it contained only 26 members, but the increase in the number of states has raised its membership to 96.

The manner of electing United States senators makes them less subject to popular opinion than are the representatives. The senators are elected by the state legislature, which has been elected by the people. This method is called *indirect* election, to distinguish it from the *direct* method by which the people themselves elect the representatives. There is a strong demand from the people for an amendment to the Constitution which will change the manner of electing United States senators to a direct method. The Congress has often considered such a plan, and sometime may submit the necessary constitutional amendment to the states for their ratification. In the meantime, some states have provided for a primary election to nominate candidates for United States senators. In Missouri this primary is held at the same time as the general election in November. The candidate who receives the largest vote in each party primary is declared the nominee of that party for United States senator, and the members of that party in the state legislature are morally obliged to vote for him. In this way the process becomes in fact direct election.

Term of Senators. — Another feature in which the senate differs from the house is in the term of its mem-

bers. Senators are elected for a term of six years. The terms of all members do not end at the same time, as in the case of the house. The senators are divided into three equal groups, and the terms of all members of one group end once in every two years at the close of the term of the representatives. Thus, for example, the terms of the first group end on March 4, 1913, of the second group on March 4, 1915, and of the third group on March 4, 1917. It will be seen that in this way the senate is never dissolved, and that at all times at least one third of the senators have been in office for four years, while two thirds have served for at least two years. Because of reëlections, there are many senators who have served for much longer periods. In the house of representatives a large proportion of the members are not reëlected, and as the terms of all end at the same time, a new Congress usually contains a large number of representatives who have had no experience as members of Congress. The longer term, manner of election, and smaller membership of the senate make it more conservative than the house and less subject to the influence of popular demands.

Vacancies in the Houses. — If a senator dies while in office, or resigns, or if a vacancy in the senate arises in any other way, the legislature of the state chooses some one to serve the remainder of the term. If the legislature is not in session at the time the vacancy occurs, the governor of the state may appoint some one to act as senator until the legislature meets and can elect a successor. If the legislature adjourns without electing

any one to the position, the state will have only one senator until the next session of the legislature.

As members of the house of representatives represent the people directly, the governor is not permitted to fill any vacancy in the house. Instead, he calls an election to be held in the congressional district for the purpose of electing a successor for the unexpired term.

Qualifications of Members. — A person cannot be a member of the house of representatives unless he is at least 25 years of age and has been a citizen of the United States for seven years. In the case of senators the qualifications are higher, the age requirement being 30 years, and the length of citizenship nine years. As a matter of fact most senators and representatives are much above the age required in the Constitution. Residence in the state is also required of senators and representatives. While the law does not require a representative to be a resident of his congressional district, this is practically required, as the people would not elect any one who did not live in the district. No person who holds any office under the executive or judicial departments of the national government is permitted to be a member of either house of Congress.

Salary and Privileges of Members. — The Constitution provides that members of Congress shall be paid for their services. At first they received \$6 a day. This compensation was later changed to a salary, which now amounts to \$7500 a year. In addition each member is given mileage; that is, an amount for traveling

expenses, which varies according to the distance from his home to the capital. As it is important that a member of Congress shall be able to attend its sessions, the Constitution gives him the privilege of freedom from arrest during the sessions and in going to and returning from the same, in all cases except treason, felony, and breach of the peace. In order that he may be free to act in his legislative duties it is provided that he cannot be held responsible by any individual for anything which he may have said in the course of debate in Congress.

Officials of the Houses. — We saw that in the Missouri legislature each house elects its own officials. The same rule obtains in Congress. The Vice President of the United States is president of the senate, but a president *pro tempore* is elected by the senate to preside in the absence of the Vice President. The house of representatives elects a speaker as its presiding officer. There are also selected by each house a secretary (in the house, called clerk), sergeant at arms, doorkeeper, chaplain, postmaster, and librarian. Each house has also numerous clerks, pages, etc.

SUGGESTIVE QUESTIONS

Why are there two houses of Congress? Give their names. Which is called the popular branch of Congress? Why?

How many representatives in Congress? How many from Missouri? How is this number determined? In what congressional district do you live? Who is your representative?

How many senators in Congress? Name the senators from Missouri. How are they nominated? How are they elected?

Compare the terms of senators and representatives. Explain the classification of senators. How are vacancies filled in each house?

Compare the qualifications of senators and representatives. Explain their salary and privileges.

Name the officials of each house. How are they chosen?

CHAPTER XVIII

PROCEEDINGS IN CONGRESS

Sessions of Congress. — The sessions of Congress are held at the capitol in Washington. Annual sessions are held, beginning on the first Monday in December. As the terms of members of Congress do not begin until March 4, the first session of each Congress is not held until December of the year after the election; that is, thirteen months after such election. This session, which is known as the long session, usually lasts more than six months, and sometimes is much longer. The second session is known as the short session, and cannot continue more than three months, as the terms of the representatives and of one third of the senators are ended on March 4. Special sessions of Congress may be called by the President, but this is done only for very important reasons. The session is adjourned or closed by agreement of the two houses.

Rules of Order and Procedure. — In legislative bodies business could not be carried on without regular rules. As in Missouri, the Constitution makes a majority of the members of each house a quorum. It also gives each house power to make its own rules of procedure. Each house may punish its members for disorderly behavior, and by a two thirds vote may expel a member.

How Acts of Congress are Passed. — The legislative proceedings in the two houses are similar to those which exist in the general assembly of Missouri (page 84). Any member of either house may introduce a bill, except that bills for raising revenue can be introduced only by a member of the house of representatives.¹ A bill which has been introduced is read by title and referred to a committee. After the committee makes its report, the bill may be read a second time and put on the *calendar*, or list of bills awaiting action by the house. When the bill is reached in due order or the house decides to take it up out of its turn, the bill is read a third time. It may be debated, and amendments to it may be adopted. In order to pass, a bill does not need a majority of all the members of the house as is the case in the general assembly of Missouri. A majority of the members present is sufficient, provided a quorum is present.

After having passed one house the bill is then sent to the other house, where it must go through the same proceedings. If new amendments are adopted, the bill must be sent back to the first house. If the latter does not consent to the amendments, the bill is usually sent to a conference committee consisting of members appointed by each house. If this committee can come to an agreement, the houses usually act in accordance with its report. Otherwise the bill will fail to pass.

¹ As the senate may amend these bills, this does not give a great advantage to the house.

As in Missouri legislation, the chief executive has ten days in which to sign or veto a bill. Differing from the rule in Missouri, however, the bill becomes a law without his signature if he does not veto it within ten days, except when Congress adjourns before the end of the ten-day period. If the President vetoes a bill, he returns it, with a statement of his objections, to the house in which it was first introduced. If each house then passes the bill by a two-thirds vote, it becomes a law, notwithstanding the President's veto. In the national government the rule regarding the time when laws go into effect is different from the Missouri rule. Any law passed by Congress goes into effect as soon as signed by the President or when passed over his veto; unless a different date is fixed by the law itself.

The Committee System.—In both houses of Congress the committees exercise great influence upon legislation. This is due to the fact that so many bills are introduced that it is impossible for either house to examine them and select the best ones. Hence the committees must have power to do this. A committee can usually defeat any bill by making an unfavorable report or failing to make any report. The committee may also amend a bill before reporting it back to the house. A bill which has been recommended for passage by a committee has a great advantage.

The great influence of the committees is due to the fact that in each house they represent the political party which is in the majority in that house. Each

house appoints the members of the different committees, but the selection is really made by the majority party, which secures for itself the chairman and the majority of the members on practically all committees. In the house of representatives the members of the committees were formerly appointed by the speaker. It was felt that this gave the speaker too much power, and in 1911 this privilege was taken away from him.

Debate in Congress. — There are so many members of the house of representatives that it is not possible to have the freedom of debate which exists in smaller bodies. If the rules did not prevent, a group of members could at any time, by continuous debate, prevent the house from carrying on its business. Hence rules have been adopted which limit the number and length of speeches by any member. In addition, the house may close the debate at any time by a majority vote. In the case of important measures the committee on rules usually recommends that discussions be limited to a certain period, which is often fixed at only a few hours.

The senate, for a long time, was a small body and did not need rules for limiting debate. The privilege of freedom of debate was preserved, so that a senator could speak on any subject as long and as often as he wished. The senate has now become a much larger body, and unlimited debate makes it difficult to transact business, for members sometimes take advantage of the situation to prevent the passage of a bill. Near the close of the session, when time is limited, a few

members, by insisting upon debating a bill which they are opposing, will threaten the defeat of other important bills. Hence they can force the withdrawal or defeat of the bill to which they have objections. It should not be possible for a few men to cause the defeat of a good bill in this manner. The senate, however, has thus far refused to abolish unlimited debate.

The Speaker of the House.— The speaker of the house of representatives is a much more important official than the Vice President, who presides over the senate. This is due to the fact that the speaker is chosen by and represents the majority party in the house, which is not the case with the Vice President in the senate. The speaker as the leader of the majority in the house has great influence over legislation. As we have seen, he formerly appointed the committees. He was also a member of and controlled the important committee on rules. Opposition arose on account of his great powers, and in 1910 he ceased to have the right to appoint or be a member of the committee on rules. In the next year the house decided that it would elect all committees.

While these acts have decreased the power of the speaker, he still remains an important official. As one of the leaders of the majority party, his opinion has great influence with the committees and with the house. As presiding officer he can influence the debate by recognizing or refusing to recognize members. No member can take part in the discussion until recognized by the speaker.

Influence of the President. — We have seen that the President may call special sessions of Congress, and has a veto upon bills which have passed both houses. He has also the right to make recommendations to Congress regarding legislation. He sends an annual message at the opening of each session, and special messages from time to time. If the President belongs to the same political party as the members of the majority party in the houses, he can exercise much influence over their acts. He is a great party leader, and most of them consider it their duty to support his policies. In most cases the President rewards his supporters by permitting them to name the postmasters and other national officials appointed in the states or districts. This is a bad policy, as it does not secure the best officials for public service.

Other Influences upon Legislation. — Congress is subject to the same kind of influences which were noted in connection with the state legislature. As the questions which come before Congress are of greater importance, we find that lobbying, both proper and improper, obtains on a much more extensive scale than in the state legislatures.

SUGGESTIVE QUESTIONS

When does Congress meet? Explain the long session; short session; special sessions.

Explain the method of passing laws in Congress. How does the vote required differ from that in Missouri? Explain the veto power of the President.

Explain the committee system. Why have the committees so much power? How are they chosen?

Give rules regulating debate in the house of representatives; in the senate. Explain the difference. Show the results of the difference.

Why is the speaker a more important official than the Vice President? How has his power been reduced in recent years?

How may the President influence legislation by Congress? To what other influence is legislation subject?

CHAPTER XIX

PRINCIPAL POWERS OF CONGRESS

Enumerated Powers. — The state legislature has power to legislate over any matters which are not denied to it, or given to the national government. The powers of Congress, on the other hand, are said to be enumerated; that is, are set forth in detail in the Constitution. It can act only with regard to matters which have been delegated to it. This enumeration of the powers of Congress is found in the Constitution, Article I, Section 8, and Article IV. In considering these powers, we may group them as follows: Revenue and Expenditures, Military and Naval Affairs, Commerce, Money, Postal System, and Miscellaneous.

I. Revenue and Expenditures

Kinds of National Taxes. — Congress is given the power to levy any kind of tax except export duties; that is, taxes on goods which are sent to foreign countries. While Congress can levy *direct taxes* on property, it does not do this, for two reasons. Taxes of this kind form the chief source of revenue of the states and local governments. It is not a good plan to have the same thing taxed by both national and state governments. The second cause is the fact that the Constitution, Article I, Section 9, Paragraph 4, requires

Congress in collecting direct taxes to apportion them among the states according to their population and not according to the value of the property taxed. As the value of property in one state may be double that in another state, the population being the same, the rate of the tax in one case would be half as high as in the other. This is such an unjust method that it is used only in time of war, when the government needs revenue from all sources. The taxes levied by the national government are *customs duties* and *internal revenue taxes*. The Constitution, Article I, Section 8, Paragraph 1, provides that these duties and taxes shall be uniform throughout the United States. While Congress may levy different rates on different articles, the rate on a certain article must be the same in all of the states.

Customs Duties. — Customs duties are also known as *imposts*, or *taxes on imports*, and are levied on goods that are imported; that is, brought into the United States from foreign countries. The tax rate may be *specific* or *ad valorem*. A specific rate is levied without regard to the value of the article, as a rate of one cent a pound on sugar or ten cents on a pair of gloves. An *ad valorem* rate is a certain proportion of the value of the imported article, as 40 per cent of the value of cloth or hats. Some rates are made high so that foreign goods, after the import duty has been paid, cannot be sold for as low a price as the same things grown or manufactured in the United States. Rates of this kind form what is called a *protective tariff*, as they are intended to protect home production against foreign goods by making it

impossible to import such goods at a profit. It is claimed that this protects home labor against the cheap labor of other countries. The protective tariff is opposed by those who are in favor of making the rates chiefly or entirely for revenue purposes. As such rates are much lower, it is claimed that the cost of goods to the consumer will be reduced. All goods imported from foreign countries must be brought into the United States at certain places called *ports*. The taxes are paid to a collector before the goods can be taken away by the owner. In Missouri, the cities of St. Louis, Kansas City, and St. Joseph are ports, and have United States officials who collect customs duties. The income from import duties is the largest item of national revenue.

Internal Revenue Taxes. — Internal revenue taxes are also called *excises*. They are levied mostly on certain things manufactured or offered for sale in the United States. The chief revenue comes from taxes on intoxicating liquors and manufactured tobacco, including cigars and cigarettes. Oleomargarine and a number of other articles are also taxed. In 1909 Congress provided for a tax on corporations of 1 per cent on the amount of their net income or profit which exceeds \$5000 in any year. This tax is collected as an internal revenue tax.

In order to collect these taxes the entire country is divided into internal revenue districts, each of which has a collector of internal revenue. There are two of such districts in Missouri: the collector of one is at

St. Louis, and of the other at Kansas City. The collector furnishes stamps to the amount of the taxes except in the case of the corporation tax. The stamp must be placed upon the barrels, boxes, etc., containing the things taxed. The income from internal revenue taxes is nearly as large as that from import duties. The two together make more than two thirds of the total revenue of the United States. The receipts from the postal system constitute the only other large source of revenue of the national government. There are also a number of miscellaneous sources from which revenue is received. See the table on page 173.

National Debt. — Taxes and other ordinary sources of revenue are usually sufficient to meet the expenses of the government. In time of war, however, or when an unusually large expenditure must be incurred for any purpose, it is necessary to borrow money. As the government cannot raise a sufficient amount even by increasing the rates of taxation, Congress has been given power to borrow money in any way and to any amount. The usual plan is for Congress to authorize the executive to borrow the amount needed and to issue bonds for the same. In 1910, the total amount of the interest-bearing debt of the United States was \$913,317,490. Two thirds of this amount is the balance of the debt incurred during the Civil War. The remaining third of the debt was due to the war with Spain, the construction of the Panama Canal, and other special causes.

During the Civil War the government paid a high

rate of interest on its bonds. This rate has been gradually reduced. On more than four fifths of the total bonded debt the interest is only 2 per cent, while on the remaining amount it is 3 or 4 per cent. The United States has in addition a large debt which bears no interest. The greater part of this debt consists of United States notes to the amount of \$346,681,016, which are described later, under the powers of Congress relating to money. From the total debt should be subtracted the large amount of money on hand in the national treasury. This shows that the actual net debt of the United States in 1910 was \$1,046,449,185.

Expenditures. — The receipts from taxation and all other sources of revenue must be paid into the national treasury, of which the principal depository is in Washington. As the territory and business have increased, it has been found necessary to establish also nine *sub-treasuries*, located in cities in different parts of the United States. One of these is at St. Louis. No money can be paid out of the treasury except in accordance with appropriations made by Congress. The expenses of the government have increased enormously in recent years. Before the Civil War the annual expenditures did not exceed \$85,000,000. Since then they have been increased to more than eleven times that amount. The chief increases have been for the army and navy, for military pensions, and the postal system.

National Receipts and Expenditures for 1910. — The following table shows the total receipts and expenditures for the year ending June 30, 1910: —

REVENUE

Customs Duties	\$333,683,445
Internal Revenue Taxes	289,933,519
Postal System	224,128,658
Public Debt	31,674,292
Miscellaneous	51,894,751
Total	<u>\$931,314,665</u>

EXPENDITURES

Postal System	\$234,246,565
Pensions	160,696,416
War Department	158,172,957
Navy Department	123,974,208
Other Executive Departments	184,531,272
Congress	13,616,496
Judicial Department	8,596,135
Panama Canal	33,911,673
Public Debt	33,049,696
Total	<u>\$950,795,418</u>

II. Military and Naval Affairs

War Powers. — Congress has the sole power of declaring war with foreign countries. It is also given the power to provide an army and navy, and to make rules for the government of the land and naval forces.

The Army. — The land forces of the United States consist of the army and the militia. While Congress has full power to determine the number of soldiers, it has always been the national policy to have a small standing army. As late as 1898, at the time of the war with Spain, it included only about 25,000 men. The acquisition of the Philippine Islands, Porto Rico, and Hawaii made a larger force necessary. In 1910, the

organized strength of the army was 70,893 enlisted men and 4273 officers, not including about 6000 Philippine scouts. Officers for the army are trained at the United States Military Academy at West Point, New York.

The militia is the military force of the states (page 97). Congress provides the system for organizing, arming, and training the militia, but the actual control and government is left to the states except when the militia is called into the service of the United States. Under a law of Congress, the President may call the militia into the national service whenever he finds this necessary. In 1910, the total strength of the militia of all the states was 110,505 enlisted men and 9155 officers.

The Navy. — The naval forces of the United States consist of the navy and naval militia. The acquisition of the Philippines and other islands has made it necessary to have a larger navy. The navy of the United States, counting vessels now building (1912), includes 37 battleships and about 160 other fighting vessels. In 1910, the organized strength of the navy was 45,076 enlisted men and 2921 officers, in addition to 9152 men and 334 officers of the marine corps. The officers of the navy are trained at the United States Naval Academy at Annapolis, Maryland. The naval militia, which is the naval force of the states, includes 5961 men and 540 officers.

Military Pensions. — The national government has always granted pensions to soldiers disabled in war, and has provided for the families of those who were killed.

Before the Civil War, payments for pensions were not large, but since that time the sums paid out have reached enormous figures, amounting to more than the entire cost of the war. The amount paid out each year exceeds the annual cost of the standing army. These large amounts are due to the fact that Congress has extended the right to pensions to all persons who served during the war, regardless of the question of disability.

III. Commerce

National Regulation. — If none of the acts of commerce extended beyond the boundaries of a state, there would be no need of national regulation, as satisfactory control could be secured by each state. Many commercial transactions, however, arise between residents of different states. This is called interstate commerce. In many cases, also, citizens of foreign countries have trade relations with Americans. This is called foreign commerce. As these matters need uniform rules, Congress was given the power to regulate foreign and interstate commerce.

Foreign Commerce. — We have already seen how Congress regulates foreign commerce by levying duties on imports. Laws have also been passed regarding navigation and vessels in the interest of passengers and seamen. Quarantine regulations are made in order to prevent contagious diseases from being brought in from foreign countries. The power to regulate foreign commerce gives Congress the right to control *immigration*; that is, the coming of foreigners into the

country. At first no restrictions were made, as immigration was needed for the development of the country. At present, however, the laws exclude certain undesirable classes, such as paupers, criminals, insane persons, and persons with contagious diseases. Chinese laborers, and persons who make contracts for labor before coming to the United States, are also excluded.

Interstate Commerce. — At first Congress did not find it necessary to pass many laws regarding interstate commerce; but the building of railroads and the growth of large corporations led later to many important regulations. Beginning with 1887, Congress has passed laws to regulate railroads engaged in interstate commerce. An interstate commerce commission consisting of seven members appointed by the President looks after the execution of these laws. These laws affect freight and passenger rates, and the safety of passengers and employees. The growth of large corporations, trusts, and combinations led to the enactment in 1890 of the so-called Sherman law, which prohibits all contracts or combinations in restraint of foreign or interstate commerce. Congress has also passed laws for the inspection of meat, and pure food laws for preventing the adulteration and misbranding of foods and drugs so far as these articles enter into interstate or foreign commerce.

Weights and Measures. — Weights and measures are of great importance to commerce. Congress has the power to establish a system for the United States, but has used this power to only a slight extent. As a

result the matter has been regulated by the states, which have followed the old English system instead of the modern metric system, now used in most civilized countries. Under an act of Congress, the metric system may be used, but this is not obligatory.

IV. Money

Coins. — Money, as the standard of value and a medium of exchange, is of great importance to commerce. Congress has full power to determine the kinds of money which can be used throughout the United States. There are two kinds, — coins, or metallic money, and paper money. Coins are either gold, silver, nickel, or copper. Gold is used for the larger denominations; silver for the dollar, half dollar, quarter, and dime; nickel for the five cent piece, and copper for the cent. Coins are made in the four government mints, located in different parts of the country.

Gold and Silver Certificates. — There are five kinds of paper money in the United States, — gold certificates, silver certificates, treasury notes, United States notes, and national bank notes. As gold and silver coins are not convenient to carry in large amounts, the law permits any one to deposit such coins in the United States treasury and receive in exchange certificates for the same amount. The coins are kept in the treasury to redeem such certificates at any time.

Treasury Notes. — Between 1890 and 1893 the government purchased a large amount of silver and paid for it by issuing treasury notes. Most of these notes

have been redeemed, and only a small amount remain in circulation.

United States Notes. — During the Civil War the government did not raise enough money by taxation and loans to meet its expenses. Hence it issued United States notes, called “greenbacks,” each of which was a promise to pay a certain amount. These notes were made *legal tender*; that is, persons were obliged to accept them in payment of debts. They represent a part of the national debt, but do not bear interest. The government redeems these notes in coin, but they are put into circulation again, as it is the policy not to retire them. The amount is not increased or diminished.

National Bank Notes. — While the Constitution does not give Congress the express power to create national banks, it has this power in order to assist it in carrying on its financial affairs. Congress gives national banks the right to issue paper money called bank notes. These notes are the promises of the bank to pay the amounts named. People are willing to accept them, as they are guaranteed by United States bonds which are deposited by the bank with officials of the treasury.

Amount of Money in the United States. — The total amount of money in the United States on June 30, 1910, was \$3,419,591,483,¹ of which the sum of \$317,235,878 was in the treasury of the United States and the remainder in circulation. The following table shows the amount of each kind of money in the United States : —

¹ Does not include nickel and copper coins.

Gold Coin	\$833,289,279
Silver Coin	241,167,018
Gold Certificates	802,754,199
Silver Certificates	478,597,238
United States Notes	346,681,016
Treasury Notes	3,672,000
National Bank Notes	713,430,733
Total	<u>\$3,419,591,483</u>

SUGGESTIVE QUESTIONS

Why are the powers of Congress said to be "enumerated"?
What are the principal classes of its powers?

What kinds of taxes are levied by Congress? Why does it not levy direct taxes?

What are customs duties? How are they collected? What is meant by a protective tariff? Why is it favored? Why opposed?

What are internal revenue taxes? Name the most important taxes of this class. How are they collected? In what internal revenue district do you live?

What is the amount of the national bonded debt? For what purposes was this debt created?

How are national expenditures authorized? What are the chief items of expenditure? What are the chief sources of revenue?

What has been the national policy regarding the size of the army? What is its present size? What is the strength of the militia? How may it be used by the national government? Give the organized strength of the naval forces. Explain the system of military pensions.

What kind of commerce is regulated by the states? by Congress? Name some of the regulations of foreign commerce; of interstate commerce. Why was Congress given the power to regulate weights and measures?

Name the two kinds of money; the different kinds of coined money; the different kinds of paper money. Explain what is meant by "legal tender." Are national bank notes legal tender? Why are people willing to accept such notes?

CHAPTER XX

POWERS OF CONGRESS (POSTAL SYSTEM, ETC.)

The Postal Business. — The Constitution gives Congress the power to establish post offices and post roads. In the beginning of the government this work was practically limited to what was necessary for carrying the mail. The postal business has constantly increased not only in amount but in the different kinds of things attended to. Its importance is shown by the fact that it costs more money than any other department of the government. Its income, however, is usually sufficient to pay its expenses. As the postal system is of great importance not only to commerce but to social life and welfare, the government does not try to make a profit, but aims to make the service to the people as good and as cheap as possible. The principal divisions of the postal business are the carrying and delivery of the mail, money orders and postal savings banks, and the parcels post.

Mail Service. — Letters, postal cards, newspapers, books, etc., are included under mail matter. The government carries the mail on railroads, steamships, and other conveyances. For purposes of delivery, post offices are established in cities and villages. In cities which have 10,000 or more inhabitants or which do a postal business of at least \$10,000 a year, there is

free delivery of mail to residences and places of business. *Rural free delivery*, which was first tried in 1897, has been rapidly extended to practically all country districts which have passable roads. In 1910 there were 40,977 carriers in this service. *Special delivery* service is provided in cities, so that for a ten-cent stamp in addition to the regular postage a letter can be delivered immediately after its arrival at the post office. In order to secure safe delivery, valuable letters or packages may be *registered* at a cost of ten cents. In case of loss the owner is paid the value, not exceeding \$50.

Money Orders and Postal Savings Banks.— In order to furnish people a safe and cheap method of sending money from one place to another the post office sells *money orders*. A person pays the postmaster the amount of the order plus a small fee. The person to whom the order is sent can collect the amount at the post office in his city. In 1910, Congress provided for *postal savings banks* at some post offices. These are intended to provide a safe place for the investment of small amounts of money. Any one can deposit with the postmaster any amount between \$1 and \$500. The sums deposited draw interest at the rate of 2 per cent a year. As the system meets with success it will be gradually extended to all post offices.

The Parcels Post.— The government carries small packages not exceeding a certain size nor more than four pounds in weight. In many foreign countries there is no such limit, and the postal department carries

all kinds of articles in the same way as an express company. The establishment of such a *parcels post* system has been urged in this country. Congress may soon introduce it on a small scale as an experiment.

National Territories. — The United States owns territory which it has acquired by treaty and in other ways. As this territory is not part of any state, the Congress has full power to make all laws which are necessary for its government. It is divided into several kinds of territories, besides the District of Columbia.

We have seen how the national government divided its public lands into districts called territories and provided for their government until they were admitted as states. Since the Constitution was adopted, Congress has admitted 35 states, of which all but 6 passed through the territorial stage of government before being admitted into the Union. The territories are of three kinds, — representative, partly representative, and non-representative. In the representative territories both houses of the legislature are elected by the voters, and the government is similar to that of the states except that the governor and judges of the supreme court are appointed by the President. Arizona and New Mexico were the last continental territories of this kind, being admitted as states in 1912. Hawaii, which consists of a number of islands, is now the only fully representative territory of the United States. In the partly representative territories only the lower house of the legislature is elective, the upper house

being appointed by the President. Porto Rico and the Philippines are the territories of this class. Alaska, the Panama Canal Zone, the Samoan Islands, and Guam have no representative government. Their affairs are attended to by officials appointed by the President. It is probable that neither Hawaii nor any of the other territories will be admitted as states, because of the character of their population and their distance from the United States.

District of Columbia. — The District of Columbia, which is about 70 square miles in area, was ceded by Maryland to the United States to become the national capital. Congress makes all the laws for this district. The administration of local affairs is in the hands of three commissioners appointed by the President.

Reservations. — Congress has full power to control all matters relating to those Indians who still live in tribes. The lands on which these Indians live are called Indian *reservations*, and are under the control of Indian agents appointed by the President. Congress has also provided for military and forest reservations as well as for national parks. The national government has property for forts, dockyards, naval stations, post offices, customhouses, etc., all of which are managed in accordance with acts of Congress.

Most of the Indian, forest, and other reservations were created out of the *public lands* of the United States. Nearly two thirds of the entire area of the United States was included at one time or another in the public lands. These lands were surveyed (page 48),

and a large part sold to settlers at low prices. Grants of public land were made to states for purposes of education and internal improvements. Corporations were also given lands to aid in building railroads. In 1910, the public lands which had not been sold, given away, or included in reservations amounted to about 345,000,000 acres, in addition to about 368,000,000 acres in Alaska. Most of these lands are in the western states, and cannot be used for farming because of lack of water. Congress has made provision for the irrigation of a large area of these lands. The public lands are sold through public land offices in the different states which contain such land. There is an office in Missouri at Springfield, but it will soon be abandoned, as there remain (1912) only about 1000 acres of public land in this state. The land office is in charge of a register, who issues certificates to those who purchase lands. The *patent*, or deed to the land, is later issued from the general land office at Washington.

Patents, Copyrights, and Trade-Marks. — The Constitution gives Congress the power to legislate regarding patents and copyrights. A *patent* gives to one who makes a new invention the exclusive right for a limited period to manufacture and sell it. Congress has fixed this period at seventeen years. A *copyright* is a similar privilege which can be secured by one who has written a book, composed music, or produced a work of art. It gives to such a person the sole right to print or sell the article of which he is the author. The term

of a copyright is twenty-eight years, but this may be renewed for another term of equal length. A *trade-mark* is a certain symbol or sign adopted by a merchant to indicate his business or the goods which he manufactures. As Congress has not been given power regarding trade-marks, they are protected by state laws. Congress may protect them so far as the goods enter interstate or foreign commerce, and a law exists for this purpose.

Naturalization. — We have already seen that citizens are either native-born or naturalized, and we have studied the process of making an alien a naturalized citizen (page 21). Congress has provided this method, and has full power over the matter.

Bankruptcy Legislation. — A person whose debts are greater than his money or other property is called a *bankrupt*. If he gives his creditors all his property he should be free from further liability so that he may have another chance to engage in business. Congress has power to pass uniform laws regulating bankruptcy in the United States. If Congress does not act, the states may regulate this matter. In 1898, Congress passed a national bankruptcy law which is still in effect.

Legislation regarding Crime. — In the states the legislatures have the power to make laws regarding crimes. Congress has been given power of this kind in only a few cases. It provides for the punishment of piracy and other crimes committed on the high seas, and offenses against the law of nations. A citizen who engages in war against the United States or assists

its enemies is guilty of treason. Congress provides the punishment for treason and also for counterfeiting, which is the crime of making coins or paper to circulate as money.

Legislation regarding Governmental Organization. — The Constitution provides for only the important or fundamental organization of the government. Other matters of governmental organization are left to be regulated by Congress. Thus most of the executive, administrative, and judicial offices are provided for by Congress, which fixes the powers, duties, salary, and other matters connected with them.

Implied Powers. — While Congress has only such powers as are granted or enumerated, it is not limited to those expressly mentioned in the Constitution. Article I, Section 8, Paragraph 18, of the Constitution provides that Congress shall have power to make all laws which shall be necessary and proper to carry its express powers into execution. These are called *implied powers*, and individuals and political parties have differed regarding the extent of such powers. Some insist that they shall be strictly limited to such as are absolutely necessary, while others believe in giving Congress the power in all cases in which it is desirable to have it act. An example of an implied power is the creation of national banks. Congress is not expressly authorized to do this. But it is given the express powers to borrow money and collect taxes, and it was held that it must have the implied power to create banks to assist it in these matters.

Restrictions upon Congress. — The Constitution has placed some restrictions upon the powers granted to Congress. We have noted some limitations upon its revenue powers (page 168). There are other restrictions which are intended to protect the individual in his personal and property rights. Most of these can be found in the Constitution, Article I, Section 9, and in the first ten amendments to the Constitution.

SUGGESTIVE QUESTIONS

Explain the importance of the postal system. What different kinds of business does it include? What is a postal savings bank? Is there one in your county? Are you in favor of a parcels post? Why?

Name the different classes of territories. In what class is Hawaii? Porto Rico? the Philippines? Name the other territories and explain how they are governed. What is the District of Columbia? How is it governed?

For what purposes are reservations established? How are they governed?

How did the national government acquire the public lands? What has it done with these lands? What amount does it still own?

Explain a patent right; copyright; trade-mark; bankrupt law; treason; counterfeiting.

What is meant by the implied powers of Congress? Give two examples of such powers.

CHAPTER XXI

THE PRESIDENT (EXECUTIVE ORGANIZATION AND POWERS)

Presidential Nominations.—The chief executive of the United States is the President. The Constitution does not provide for his election directly by the people, but we shall see that custom has changed the rule so that the election is practically direct. We have already seen that at elections the voters must choose between persons who have been nominated by the political parties (page 27). Hence we must see how presidential nominations are made.

Each political party holds a national convention usually in June of the year in which a presidential election is held. Each state is entitled to be represented in the convention by twice as many delegates as it has senators and representatives in Congress. Thus Missouri has 36 delegates. These delegates are usually selected by a state convention made up of delegates who have been selected by the voters of the political party in the different counties of the state. The state convention, in electing delegates to the national convention, selects two from each congressional district and four from the state at large. In some states the delegates to the national convention are selected by a direct primary, but this is not the rule in Missouri.

As there are 435 representatives and 96 senators, each national convention will have 1062 delegates. In addition the territories and the District of Columbia are each permitted to send from two to six delegates.

The convention is held in some city which furnishes a large hall for the meetings. A *platform*, or declaration of party principles, is adopted. Candidates are placed in nomination, and the roll of states is called for the choice of the convention. In the Republican national convention a majority vote is sufficient for the selection, but the Democrats require a two-thirds vote for this purpose. The person selected is declared the presidential nominee of the party. A nominee for Vice President is chosen by the convention in the same manner.

Presidential Election. — The Constitution provides that the President and Vice President shall be elected by electors who are chosen in the different states. Each state has as many electors as it has senators and representatives in Congress. Thus, Missouri has 18 presidential electors. These electors are nominated by the state conventions, and, if elected, are morally bound to vote for the person nominated by the national convention of their party. The names of the electors are placed on the ballot of their party under the name of their candidate for the President. The voter does not pay any attention to the electors, as he knows they will vote for the nominee of their party.

Within a day or two after the election in November, it is known which party has elected the most electors,

and hence the election of the President is settled. It is necessary, however, to go through the forms provided by the Constitution. The electors in each state meet at the state capital on the second Monday in January after their election and cast their ballots for President and Vice President. The votes are sent to the president of the United States senate, and on the second Wednesday of February they are counted in the presence of both houses of Congress. The candidates who have received a majority of all the votes are declared elected, and are inaugurated as President and Vice President on the fourth day of March.

If no one has received the votes of a majority of all the electors, the election is left to the two houses of Congress. The senate decides between the two candidates for the office of Vice President who received the highest number of votes, while the house of representatives chooses a President from the candidates, not exceeding three, who have the highest number of votes for that office. In choosing the President the houses vote by states, the delegation of representatives from each state having one vote, and a majority of all the states is necessary to elect. If the house fails to choose a President in this manner, the Vice President becomes President.

Term of Office. — The President is elected for a term of four years. At the end of his term a strong President is usually elected for a second term. It has become a tradition, though not a law, that no one shall be elected President for more than two terms.

Qualifications. — A naturalized citizen cannot become President, as the Constitution restricts the office to native-born citizens. The President must be at least 35 years of age and have resided in the United States 14 years.

Compensation. — The President receives a salary of \$75,000 a year. He is furnished an official residence in the *White House*. He receives a large sum for expenses in connection with keeping up the house, grounds, etc.

The Vice President. — The Vice President is chosen in the same manner as the President. He is elected for the same term and must possess the same qualifications. He receives a salary of \$12,000 a year. As we have seen, the Vice President is the presiding officer of the senate. The chief purpose of the office, however, is to provide for the succession to the presidency. If the President dies, resigns, or is removed from office, or is unable for any reason to perform his duties, he is succeeded by the Vice President. Congress has provided that, in case there is no Vice President or he is unable to perform the duties of President, the heads of the executive departments shall succeed in a fixed order, beginning with the secretary of state. There have been five cases of presidential succession. Each was due to the death of the President, and the Vice President succeeded in each case.

Executive Powers. — The Constitution provides that the executive power shall be vested in the President, and that “he shall take care that the laws be faithfully

executed.” As a result of other powers which have been given to him, the President has full control over all executive and administrative officials of the United States and can use the entire civil and military forces to execute the laws. These other powers of the President may be classified as power of appointment and removal, control over foreign affairs, military powers, control over legislation, and the pardoning power.

Power of Appointment and Removal. — When we studied state and local government in Missouri, we saw that most of the officials were elected by the people. This was not the original rule, as during the colonial and early state periods the governor appointed practically all officials. The Constitution of the United States followed the original rule, with the result that the President and Vice President are the only national officials elected. All other important officials are appointed by the President. In most cases the approval of the Senate is required, but this is usually given. Practically all the less important officials are appointed by the heads of the executive departments. Appointments are usually made for a term of four years. The President has, however, the power to remove any official appointed by him, except the judges. This can be done at any time and for any cause. In this way the President has a control over all the officials of the administration and can direct them in the performance of their duties.

Civil Service and the Spoils System. — The civil service includes practically all the officials of the ex-

ecutive department except the officers of the army and navy. The extent of the business of the national government is shown by the fact that on June 30, 1910, there were 384,088 officials and employees in the civil service. Of these, 9525 were appointed by the President. The great majority of the remaining employees have nothing to do with the policy of the government or the questions which divide political parties. They are clerks, postal employees, laborers, etc. It was the original rule for such persons to keep their positions as long as they gave good service. Beginning with the administration of President Jackson there was introduced the theory that "to the victors belong the spoils," which means that the political party which wins the presidential election has a right to reward its supporters by giving them government positions. This involved the removal of officials who belonged to the other political party. The adoption of this policy led to evil results. Many of the persons appointed were not qualified to perform the duties of the office. Good officials left the service of the government on account of the insecurity of their positions.

Civil Service Reform. — In 1881 President Garfield was assassinated by an office seeker who had failed to get an appointment. This called public attention to the evils of the spoils system, and in 1883 Congress passed the civil service law. This provides that persons who wish to enter the civil service must take examinations to show their fitness for the positions. Appointments are made from among those who receive

the highest grade on such examinations. A person who has received an appointment in this manner cannot be removed from his position except for just cause. Removals for political or religious reasons are expressly forbidden. A *civil service commission* of three members appointed by the President provides for the examinations and investigates violations of the civil service law and rules.

When the civil service law was passed, only a small number of the positions in the civil service were made subject to its provisions. The President was given power to extend the law to other parts of the service. The different Presidents have made so many extensions that on June 30, 1910, there were 222,278 positions subject to the civil service examinations. This number is nearly two thirds of the total civil service. Great improvement in the conduct of government business has resulted from this reform.

Control over Foreign Affairs. — The President, as the chief executive, represents the United States in all its relations with foreign governments. He appoints ambassadors, ministers, consuls, and other officials who reside in foreign countries and attend to matters which affect the United States or its citizens. Similar representatives are sent by foreign governments to this country. The privilege of sending these representatives, and other relations between the United States and foreign countries, are regulated by *treaties*, which are agreements made between them. The treaties to which the United States is a party are drawn

up under the orders of the President. They do not go into effect, however, unless they are ratified by a two-thirds vote of the senate, and then signed by the President.

Military Powers. — The Constitution makes the President commander in chief of the army and navy, including the state militia when it is called into the service of the United States. This gives very great power to the President. As we have seen, Congress determines the size of the army and navy and provides for their organization and government. It also has the power to declare war. The President, however, as the commander in chief, controls the movements of the troops and war vessels. By means of this power and his control over foreign relations, he may create a situation which will force Congress to declare war. During war his powers are practically unlimited, as he must be able to do whatever is necessary for the protection of the country.

Powers over Legislation. — In Chapter XVIII, dealing with Proceedings in Congress, we have studied the President's influence on legislation. He has the right to call extra sessions, send messages of recommendation, and veto bills which have passed both houses of Congress.

Pardoning Power. — The President has the power to grant reprieves, commutations, and pardons for offenses against the United States. This power is practically the same as that possessed by the governor of Missouri with relation to crimes committed against the state (page 93).

SUGGESTIVE QUESTIONS

Why is a national convention held? Explain its composition. How are delegates chosen? What is a "platform"?

What is meant by the indirect election of the President? How has the election been made practically direct? How many presidential electors does Missouri elect? How are they nominated and instructed?

How are the votes of the electors counted? How many votes are necessary to an election? If no candidate receives enough votes, how is a President elected? a Vice President?

Who succeeds in case of a vacancy in the office of President? What is the rule if there is no Vice President?

What is the term of the President? State the custom regarding reëlection.

What is the compensation of the President? What qualifications must he possess?

Explain the President's power of appointment and removal. Compare with that of the governor of Missouri. What is the spoils system? Explain civil service reform. What proportion of the offices are subject to the civil service rules?

What is the President's power over foreign affairs? Through what officials does he act? What are treaties? How are they made and ratified?

Explain the President's military powers; legislative powers; pardoning power.

CHAPTER XXII

EXECUTIVE DEPARTMENTS AND THE CABINET

The Executive Departments. — We have seen that in Missouri the execution and administration of the laws is divided among a large number of separate departments. Each department attends to only a few matters of administration. The national government has adopted a different plan. There are only a few departments, but each deals with a large number of important matters. The heads of the national departments are all appointed by the President, who may also remove them from office. In Missouri some are elected, while others are appointed by the governor, who does not have any general power of removal. In the national government, the President, having full power, can be held responsible by the people for the acts of the heads of departments and the general character of the government.

When the government was first organized under the Constitution, the Congress established the three executive departments of state, treasury, and war, and the office of attorney-general. The latter did not have many administrative duties attached to it, and was not made an executive department until 1870, when it became known as the department of justice. As

population and territory increased and the business of the government expanded, new executive departments were added as follows: navy (1798), post office (1829), interior (1849), agriculture (1889), commerce and labor (1903), making nine in all. As a new department was established some matters would be transferred to it from the other departments. Thus, for example, naval affairs were originally under the war department.

The Cabinet. — The heads of the executive departments are also members of the President's cabinet. The cabinet is a council which advises the President regarding matters of governmental policy and administration. The President is not legally obliged to ask or follow this advice. As the members of the cabinet are usually important leaders of his political party, their opinions are of importance and usually have great influence upon the President. Members of the cabinet are appointed by the President. While the consent of the senate is necessary, it is usually given, as it is felt that the President should be free in selecting his advisers. Each of the members of the cabinet receives a salary of \$12,000 a year.

The Departmental Organization. — At the head of each department there is a secretary, except in the department of justice and the post office, where the titles are attorney-general and postmaster-general. Each head has one or more assistant secretaries. The departments are usually divided into *bureaus* or *offices*, and each of these generally includes several *divisions*.

The head of a bureau is usually called a *commissioner*, while the head of a division is a *chief*. All the clerks in a division are directed by and responsible to the chief. The division chiefs bear the same relation to the commissioner at the head of a bureau. An assistant secretary has several bureaus under his supervision, while the secretary or head looks after and controls the administration of the entire department.

Department of State. — The head of the department of state is the secretary of state. His duties are in part similar to those of the official of the same name in Missouri. He keeps the official documents of Congress, the treaties and proclamations of the executive, and a record of the acts of the President. He is also the custodian of the great seal of the United States. His most important duties, however, have to do with the administration of foreign affairs, which is placed in his department. There are eight bureaus in the department of state. The most important are the *diplomatic* and *consular* bureaus. The diplomatic bureau has charge of communications and proceedings with foreign governments. These are carried on by means of our ambassadors, ministers, etc., in foreign countries, or through similar representatives at Washington. The consular bureau has charge of communications with American consuls, who are located in the principal foreign cities. They look after the interests of our commerce in their consular districts and have important duties in connection with the laws regarding navigation, imports, naturalization, etc.

Department of the Treasury. — The secretary of the treasury is the head of the treasury department. His duties, which relate to revenue, expenditures, and money, are of the highest importance.¹ There are three assistant secretaries, of whom one deals with *customs service*, while a *commissioner of internal revenue* administers the laws regarding internal revenue taxation. There is a *treasurer of the United States*, with whom all money of the government is deposited, to be paid out only upon a warrant or order signed by the proper officials. There are a series of *auditors*, who pass upon accounts against the government. The *comptroller of the treasury* decides questions regarding the validity of any accounts, countersigns warrants, and supervises the bookkeeping of the government. The *register of the treasury* signs all bonds, treasury notes, and coin certificates issued by the government. The *comptroller of the currency* administers the laws regulating national banks, including their organization and examination and the issue of bank notes. The *director of the mint* has charge of all mints and the coinage of money. The *bureau of engraving and printing* attends to the engraving and printing of all paper money, bonds, postage and revenue stamps, licenses, etc. which are used or issued by the government.

In addition to the above, the treasury department deals with a number of miscellaneous matters. The *supervising architect* has duties in connection with public buildings of the government, such as customhouses,

¹ For an account of these matters see pages 168–173, 177–179.

post offices, etc. He purchases sites, makes plans for and looks after the construction of such buildings, and has charge of them when they are completed and in use. A *surgeon-general* is in charge of the *public health and marine hospital service*, which looks after the inspection of immigrants and quarantine matters. The *life-saving service* maintains stations on the lakes and sea-coast for the purpose of saving lives and property. The *revenue cutter service* is intended to prevent vessels from *smuggling*; that is, bringing in imports without payment of the duties. The *secret service* consists of a body of detectives who prevent revenue frauds and other crimes, such as counterfeiting.

Department of War. — The department of war deals with matters relating to the army. There are various offices and bureaus in the department which have in charge the furnishing of food, clothing, and transportation, arms and ammunition, medical service, etc. The *corps of engineers*, which attends to the construction of fortifications and other military works, has also been given charge of the improvement of rivers and harbors. The *bureau of insular affairs* deals with matters relating to the government in the Philippines. The secretary and assistant secretary are civil officials, but the heads of offices and bureaus are army officers.¹

Department of the Navy. — The department of the navy has charge of naval affairs. It has bureaus dealing with navy yards and docks, the construction, repair, equipment, and navigation of war vessels, supplies,

¹ For a further account of the army, see page 173.

arms, ammunition, and medical service. As in the department of war, the secretary and assistant secretary are civil officials, but the heads of bureaus are naval officers.¹

Department of Justice. — The head of the department of justice is the attorney-general, who is the legal adviser of the President and the heads of departments. He has supervision over United States district attorneys and marshals, as well as federal prisons. He can direct the district attorneys regarding cases in which the United States is a party. When these cases come before the Supreme Court, he or some of his assistants represent the government.

Post Office Department. — The postmaster-general has charge of the postal system, which has already been described (page 180). He is assisted by four assistant postmasters-general, among whom are divided the different classes of business of the department.

Department of the Interior. — The secretary of the interior deals with a large number of important matters. The *public lands*, *patents*, *military pensions*, and *Indian affairs* are each under the charge of a commissioner. There is also a *commissioner of education*, who has charge of schools for natives in Alaska, and collects and publishes information regarding schools and education in general. The *director of the reclamation service* has charge of irrigation works on arid lands in the West. The *director of the geological survey* makes scientific investigations regarding geological structure and min-

¹ For a further account of the navy, see page 174.

eral resources, while the *director of mines* has duties in connection with mines and the safety of miners.

Department of Agriculture. — The secretary of agriculture deals with matters for the promotion of agriculture. He is also charged with the enforcement of pure-food and meat-inspection laws. The department includes the bureaus of *animal industry*, *plant industry*, *chemistry*, *soils*, *entomology*, *biological survey*, the *weather bureau*, and the offices of *public roads* and *experiment stations*.

Department of Commerce and Labor. — This new department was created for the promotion of the commercial and industrial interests of the country. It has bureaus of *labor*, *corporations*, and *manufactures*, which collect and publish information relating to these subjects, while the *bureau of statistics* does the same for foreign and internal commerce. The *census office* takes the census every ten years, and collects special statistics from time to time. The *bureau of navigation*, *steamboat inspection service*, *lighthouse service*, and *coast and geodetic survey* have duties in connection with the safety of vessels and water transportation. The *bureau of immigration and naturalization* enforces the laws relative to these subjects. The *bureau of standards* has charge of the national standards of weights and measures. The *bureau of fisheries* makes investigations regarding food fishes, and maintains fish hatcheries.

Independent Bureaus. — There are also a number of special bureaus, commissions, etc., which are independent of any executive department. The interstate com-

merce commission (page 176) and the civil service commission (page 194) have already been considered. The *government printing office* attends to the printing and binding of government publications. It is managed by a *public printer* appointed by the President. The *library of Congress*, or the national library, is under the direction of a *librarian* appointed by the President. The *copyright office*, under a *register of copyrights*, is a division of the library, having in charge all matters relating to copyrights. The *Isthmian Canal Commission* is charged with the construction of the Panama Canal and the government of the Panama Canal Zone.

SUGGESTIVE QUESTIONS

Name the executive departments of the national government. How are these related to the cabinet? To what extent does the cabinet influence the acts of the President? Explain the general organization of the departments.

Explain the different classes of powers of the department of state. What are diplomatic affairs? What are consular affairs?

What are the general matters belonging to the department of the treasury? What are the duties of the director of the mint? of the comptroller of the currency? How many national banks in your county? Is there a national public building in your city?

What important matters besides the army are attended to by the war department? What kind of officials are at the head of the offices and bureaus in the war and navy departments?

Explain the duties of the attorney-general; of the postmaster-general.

What important matters are attended to by the interior department? the department of agriculture? the department of commerce and labor? Is any official of these departments in your city? What is the weather bureau? What is the census office?

CHAPTER XXIII

THE NATIONAL COURTS

The National Judicial Power. — Most of the questions which need to be decided by judiciary can be settled in the courts of a state. There are some matters, however, which affect more than one state or which have to do with the national government. Hence the Constitution, Article III, provides for a system of national courts, and determines the powers which they may exercise. This judicial power includes :

First, all cases in which the question in dispute has to do with any law of Congress or treaty of the United States. Examples of these questions are matters relating to foreign affairs, foreign or interstate commerce, money, customs duties, internal revenue taxes, the postal system, Indians, territories, army, navy, and any department or official of the United States.

Second, suits to which the United States is a party, such as a dispute over the ownership of some land claimed by the national government.

Third, disputes between two or more states, such as a question regarding boundaries. These questions could not be settled in any one state court.

• *Fourth*, suits between citizens of different states, such

as the enforcement of a contract by a citizen of Missouri against one who resides in Illinois. The suit may be brought in the courts of Illinois, but if the plaintiff thinks that these courts will be partial to their own citizens, he can have the suit taken to a national court.

Fifth, all questions affecting the Constitution of the United States and the division of powers which it makes between the states and the national government. If a state legislature passes a law regarding a matter over which Congress has been given control, or which has been prohibited to the states, the courts will declare the act unconstitutional. Thus, for example, a state law which related to the postal system would be invalid. The same is true of any act of Congress which relates to a matter over which it has not been granted power. Thus, an attempt on the part of Congress to regulate public schools in Missouri would be unconstitutional. There are three grades of national courts, — *district courts*, *circuit courts of appeals*, and *Supreme Court*. There are also some courts for special purposes, such as the *court of claims*, *court of customs appeals*, and *commerce court*.

The District Courts. — The district court is the national court of lowest grade. There is, in each state, at least one district court, which is held by a district judge. The populous states are divided into two or more districts, with a court in each district. In 1911, there were 91 district judges. Each district is usually divided into several *divisions*, and the court holds sessions at some place or places in each division. For

example, Missouri is divided into the *eastern* and *western* districts. The eastern district is divided into three divisions, and the district court holds sessions at St. Louis and Rolla in the *eastern division*, Hannibal in the *northern division*, and Cape Girardeau in the *southeastern division*. The western district has five divisions, and the court holds sessions at Kansas City in the *western division*, St. Joseph in the *St. Joseph division*, Jefferson City in the *central division*, Springfield in the *southern division*, and Joplin in the *southwestern division*. Those cases to which the judicial power of the United States applies are usually tried first in the district court.

The Circuit Courts of Appeals. — After a case has been determined in a district court, an appeal may be taken to a higher court. At first these appeals were taken directly to the Supreme Court. As the number of cases increased, it became necessary to relieve the Supreme Court of some of its burden. In 1891, Congress created the circuit courts of appeals. The entire country is divided into nine circuits, and there is a circuit court of appeals for each circuit. There are two or more circuit judges for each circuit. In addition, one of the justices of the Supreme Court is assigned to each circuit. The circuit court of appeals is usually held by three circuit judges, but the judge of any district included within the circuit may act in place of a circuit judge. The cases which are appealed from the district court go as a rule to the circuit court of appeals, which gives a final decision in most of such cases. Mis-

souri is in the *eighth circuit*. In this circuit, sessions of the circuit court of appeals are held each year at St. Louis, St. Paul, and Denver or Cheyenne.

The Supreme Court. — The Supreme Court is the highest court in the United States. It consists of a chief justice and eight associate justices. While one of these justices is assigned to each circuit and may act as a member of the circuit court of appeals, this does not actually happen. The business of the Supreme Court is so great that it takes all the time of the justices. The Supreme Court meets at the national capitol in Washington. While most of its cases come to it on appeal from the circuit courts of appeals, the district courts, or the state courts, there are some cases which are tried first in the Supreme Court. These are cases which affect ambassadors or ministers from a foreign country, and all disputes to which a state is a party.¹

Special Courts. — The United States cannot be sued in the regular courts, but an individual may bring such a suit in the *court of claims*. This court consists of a chief justice and four associate justices. The *court of customs appeals*, which consists of a presiding judge and four associate judges, decides appeals regarding certain questions of administration of the tariff laws. The *court of commerce* decides appeals from the orders of the interstate commerce commission (page 176). It consists of five circuit judges.

Appointment and Term of Judges. — We saw that in Missouri all judges are elected by the voters. In the

¹ See Constitution, Article III, Section 2, Paragraph 2.

national government the rule is appointment by the President with the consent of the senate. The term is also different, the judges of the national courts holding during good behavior, while the state judges are chosen for definite terms of years.

Compensation of Judges. — The Chief Justice of the Supreme Court receives an annual salary of \$15,000, and each of the associate justices \$14,500. Circuit judges are paid \$7000 a year, while district judges receive \$6000. After serving ten years any of these judges who is seventy years old may retire and receive his full salary for the rest of his life. These salaries are higher than those paid to most state judges. This fact, as well as the life term, enables the President to appoint good men, as the best lawyers and judges are willing to accept such appointments.

Court Officers. — The Supreme Court appoints its *clerk* and *marshal*. Each of the other courts appoints a *clerk*, sometimes for each place in which it holds its sessions. The President appoints a United States *attorney* and *marshal* for each district. The duties of the attorney with relation to the courts which meet in his district are similar to those of the prosecuting attorney in Missouri, while the marshal has duties similar to those of a sheriff. Both the attorney and the marshal act in accordance with the instructions of the attorney-general of the United States. As we have seen, the attorney-general or his assistants appear for the government in the Supreme Court.

Judicial Process. — The process in civil and criminal

cases in the courts of the United States is similar to that which we have discussed in Chapter XV, dealing with the State Judiciary. The Constitution of the United States, in Articles IV to VIII of the Amendments, guarantees to the individual practically the same privileges in judicial proceedings as are given by the constitution of Missouri.

Court of Impeachment. — Under the Constitution, the President and all civil officials of the United States, including judges, may be removed from office on account of treason, bribery, or other high crimes and misdemeanors.¹ The house of representatives makes the impeachment or charges. The senate as a court of impeachment tries the case. The rules governing the proceedings in such cases are similar to those described in connection with the process of impeachment in Missouri (page 142).

SUGGESTIVE QUESTIONS

What are the kinds of cases which are decided by the national courts? Give an example of each class of cases.

When may a national court declare an act of a state legislature unconstitutional? When will an act of Congress be declared unconstitutional?

Name the grades of national courts. Explain the organization of the district court. In which district do you live? In which division? Where does the court meet in your division? Who is your district judge?

Explain the organization of the circuit court of appeals. In which circuit do you live? Where is the circuit court of appeals held? How do cases come before it?

¹ Constitution, Article II, Section 4.

Explain the organization of the Supreme Court. How do cases come before it?

How are judges of the national courts chosen? For what terms? What salaries do they receive? Compare with the manner of choice, terms, and salaries of Missouri judges.

Name the officers of the national courts. How are they chosen?

What national officials are subject to impeachment? How may they be impeached? How tried and convicted?

CONSTITUTION OF THE UNITED STATES

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1 The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2 No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3 Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.¹ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of repre-

¹ The last half of this sentence was superseded by the 13th and 14th Amendments. (See p. 229.)

sentatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1 The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years; and each senator shall have one vote.

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3 No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5 The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice

shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7 Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1 The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2 The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1 Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2 Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3 Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4 Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6. 1 The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any

speech or debate in either house, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7. 1 All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.*

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1 The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but

all duties, imposts and excises shall be uniform throughout the United States;

2 To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish post offices and post roads;

8 To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13 To provide and maintain a navy;

14 To make rules for the government and regulation of the land and naval forces;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States,¹ and to exercise like

¹ The District of Columbia, which comes under these regulations, had not then been erected.

authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18 To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1 The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.¹

2 The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or *ex post facto* law shall be passed.

4 No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8 No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10.² 1 No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender

¹ A temporary clause, no longer in force. See also Article V, p. 224.

² See also the 10th, 13th, 14th, and 15th Amendments, pp. 227–230.

in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3 No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2 Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there

be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]¹

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4 No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7 Before he enter on the execution of his office, he shall take the

¹ This paragraph superseded by the 12th Amendment. (See p. 228.)

following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1 The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION 2. 1 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and citizens of another State;¹ — between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1 Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2 The Congress shall have power to declare the punishment of

¹ See the 11th Amendment, p. 227.

treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3 No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3 The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go : WASHINGTON —

Presidt. and Deputy from Virginia

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm. Saml. Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil : Livingston
David Brearley
Wm. Paterson
Jona : Dayton

Pennsylvania

B. Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. Fitzsimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware

Geo : Read
Gunning Bedford Jun
John Dickinson
Richard Bassett
Jaco : Broom

Maryland

James McHenry
Dan of St. Thos Jenifer
Danl. Carroll

Virginia

John Blair —
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge,
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler.

Georgia

William Few
Abr Baldwin

Attest

WILLIAM JACKSON Secretary.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I¹

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

¹ The first ten Amendments were adopted in 1791.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

¹ Adopted in 1798.

ARTICLE XII¹

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; — The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

¹ Adopted in 1804.

ARTICLE XIII¹

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV²

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any

¹ Adopted in 1865.

² Adopted in 1868.

State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

¹ Adopted in 1870.

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